

**\*1 MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND  
RELATED AGENCIES, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1992, AND FOR OTHER  
PURPOSES**

HOUSE CONFERENCE REPORT NO. 102-256

October 17, 1991

[To accompany **H.R. 2686**]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (**H.R. 2686**) making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 13, 17, 31, 35, 38, 42, 44, 45, 46, 49, 50, 59, 61, 67, 72, 73, 77, 78, 79, 80, 82, 90, 92, 93, 94, 99, 110, 112, 125, 132, 139, 140, 141, 146, 150, 156, 159, 160, 161, 162, 166, 177, 178, 186, 192, 200, 203, 223, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 15, 27, 83, 84, 85, 102, 103, 104, 114, 115, 116, 117, 118, 119, 120, 147, 155, 158, 168, 169, 189, 210, 211, 220, and 221 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$23,500,000; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

**\*2** In lieu of the sum named by said amendment insert \$14,318,000; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$25,322,000; and the Senate agree to the same.

Amendment numbered 14:

That the House recede its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$518,437,000; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$4,370,000; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$12,000,000; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$965,665,000; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert \$5,000,000; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$106,570,000; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$207,070,000; and the Senate agree to the same.

Amendment numbered 58:

**\*3** That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$66,584,000; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$1,236,078,000; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert \$248,152,000; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$213,163,000; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the first sum named insert \$5,000,000; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$93,477,000; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$89,447,000; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$4,030,000; and the Senate agree to the same.

Amendment numbered 101:

**\*4** That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$24,451,000; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$64,445,000; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$31,525,000; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 113. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

Sec. 114. The provision of section 113 shall not apply if the transfer of management or control is ratified by law; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the section number named by said amendment, insert 115; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the section number named by said amendment, insert 116; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$182,812,000; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

**\*5** In lieu of the sum named by said amendment insert \$1,359,662,000; and the

Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows , including \$26,968,000 for wilderness management; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$275,178,000; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$193,089,000; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$89,433,000; and the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$458,104,000; and the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$338,000; and the Senate agree to the same.

Amendment numbered 181:

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$543,166,000; and the Senate agree to the same.

Amendment numbered 182:

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$243,433,000; and the Senate agree to the same.

Amendment numbered 183:

**\*6** That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$2,000,000; and the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$14,771,000; and the Senate agree to the same.

Amendment numbered 194:

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$77,233,000; and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$277,852,000; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$6,612,000; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$283,961,000; and the Senate agree to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$25,839,000; and the Senate agree to the same.

Amendment numbered 206:

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$24,710,000; and the Senate agree to the same.

Amendment numbered 207:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$19,400,000; and the Senate agree to the same.

Amendment numbered 208:

**\*7** That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$49,192,000; and the Senate agree to the same.

Amendment numbered 209:

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$3,120,000; and the Senate agree to the same.

Amendment numbered 212:

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert

\$147,700,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act: Provided, That none of the funds made available in this Act for the National Endowment for the Arts may be used to fund any application for a grant that is not submitted to the Endowment pursuant to existing law as contained in section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 ([20 U.S.C. 954\(d\)](#)), for which terms are defined in section 3 of that Act ([20](#)

U.S.C. 952); and the Senate agree to the same.

Amendment numbered 213:

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$152,650,000; and the Senate agree to the same.

Amendment numbered 215:

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$25,550,000; and the Senate agree to the same.

Amendment numbered 216:

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$12,550,000; and the Senate agree to the same.

Amendment numbered 217:

That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert \$4,775,000 and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 6, 9, 12, 16, 18, 19, 20, 21, 22, 24, 26, 28, 29, 32, \*8 33, 34, 36, 37, 39, 40, 41, 43, 51, 52, 53, 54, 55, 56, 60, 62, 63, 64, 65, 66, 68, 69, 70, 71, 76, 81, 86, 87, 88, 89, 96, 105, 108, 109, 111, 113, 124, 126, 127, 129, 130, 131, 133, 136, 137, 138, 142, 144, 149, 151, 152, 153, 154, 157, 163, 164, 165, 167, 170, 171, 174, 175, 176, 179, 180, 184, 185, 187, 190, 191, 193, 195, 196, 197, 199, 201, 214, 218, 219, 222, 224, and 226.

Sidney R. Yates,

John P. Murtha,

Norman D. Dicks,

Les AuCoin,

Tom Bevill,

Chester G. Atkins,

Jamie L. Whitten(except amendment No. 212),

Ralph Regula(except amendments Nos. 167, 212, and 221),

Joseph M. McDade(except amendment No. 167),

Bill Lowery(except amendment No. 212),

Joe Skeen,

Managers on the Part of the House.

Robert C. Byrd,

J. Bennett Johnston,

Patrick J. Leahy,

Dennis DeConcini,

Quentin N. Burdick,

Dale Bumpers,

Ernest F. Hollings,

Harry Reid,

Don Nickles(except amendment No. 212),

Ted Stevens,

Jake Garn,

Thad Cochran,

Warren B. Rudman,

Pete V. Domenici (except amendment No. 95),  
Slade Gorton,  
Mark O. Hatfield,

Managers on the Part of the Senate.

**\*9 JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (**H.R. 2686**), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on **H.R. 2686** incorporates some of the provisions of both the House and the Senate versions of the bill. The language and allocations set forth in [House Report 102-116](#) and [Senate Report 102-122](#) shall be complied with unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

TITLE I-DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates \$538,940,000 for management of lands and resources instead of \$516,865,000 as proposed by the House and \$537,199,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the amount proposed by the House consists of increases of \$12,300,000 in mining law administration; \$1,000,000 for Alaska lands; \$175,000 for forest management to initiate an Alaska forestry program; \$100,000 for a population model, \$200,000 for immunocontraception research, \$100,000 for vegetation monitoring, \$250,000 for mapping and census data, and \$200,000 for fertility control, all in Nevada and all in the wild horse and burro program; \$700,000 to restore the general budget increase and \$1,050,000 for 50 percent of the cost of range improvement projects, both in rangeland management; \$560,000 for anadromous fish activity in Oregon, Washington, and Idaho, and \$1,580,000 for riparian, wetland, and general programs with a priority for work in the Lake Creek area, Odessa, WA, all in wildlife habitat management; \$500,000 in cultural resources management, including implementation of prehistoric trackway studies; \$2,400,000 in recreation resources management, which should include priority consideration of the needs of Flagstaff\*10 Hill, OR, the Alcan Highway, AK, Gila Box Riparian NRA, AZ, and Red Rock Canyon, NV, in addition to restoring the budgeted increase; \$2,000,000 for Alaska cadastral surveys; \$100,000 for the Four Corners cultural resources protection task force in resource protection and law enforcement; and \$1,560,000 to restore the budgeted increase, with priority consideration for Flagstaff Hill, OR, and Red Rock Canyon, NV, \$1,300,000 to restore road reconstruction, and \$1,500,000 to restore project engineering and design, all in facilities maintenance; and

decreases of \$3,500,000 for the automated land and mineral record system; and \$2,000,000 for hazardous materials management.

The managers agree that amounts for mining law administration include Alaska programs at the 1991 base level.

The managers agree that a portion of amounts for both Alaska lands and Alaska cadastral surveys should be used to modernize and upgrade systems involved in this activity to improve efficiency.

The managers agree that the Bureau should consider the Scandinavian model in developing a forest management plan in Alaska.

The managers are concerned about the apparent lack of meaningful progress in negotiations between the Department and the Potlatch Corporation regarding the transfer to the Fish and Wildlife Service of wetlands owned by Potlatch in Arkansas in exchange for public lands in Idaho. The managers continue to support an equal value exchange as a means of acquiring prime wetland habitat for public use, and continue to urge the Department to proceed as expeditiously as possible with the necessary actions required to conclude the negotiations.

The managers expect the Bureau to fund 50 percent of the cost of range improvement projects from funds in the range improvement appropriation.

The managers agree with the Senate position supporting the orderly phasedown of wild horse sanctuary operations by adoption of existing herds. It is expected that adoption of horses from sanctuaries will be the highest priority since no additional roundup costs are necessary. It is also expected that no additional horses will be placed in the sanctuaries.

The managers expect the Bureau to ensure that the percentage of wild horse and burro program funds both spent in Nevada and directly benefiting Nevada will increase over historic levels, and to provide a plan for such increases to the House and Senate Appropriations Committees by December 1, 1991. The plan should address targets for direct spending included in [Senate Report 102- 122](#), and how and why they can or cannot be achieved.

For planning, preparation and offer of timber sales for fiscal year 1992, and in planning for sales in future years, the managers direct the Bureau to designate, not later than 10 days after enactment of this Act, if not already in place, at least one person in each BLM district where timber is harvested under BLM jurisdiction in Oregon and Washington, and one person in each of the Idaho and California State Offices or the districts where timber is harvested in these States determined by the State Director, to be designated as the primary person responsible for coordination and oversight on Pacific Yew issues.

**\*11** The managers further direct the Bureau to establish a special Task Force to develop a comprehensive strategy document for ensuring a sustainable supply of Pacific Yew for the medical community with the least impact to the environment and to the Pacific Yew resource, publish the comprehensive strategy plan for comment no later than June 30, 1992, and implement a strategy no later than November 30, 1992.

Amendment No. 2: Earmarks \$23,500,000 for the Automated Land and Mineral Record System Project instead of \$27,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate.

Amendment No. 3: Deletes House proposed appropriation of \$12,300,000 for mining law administration as proposed by the Senate. This amount is included in Amendment No. 1.

Amendment No. 4: Deletes House language which provided for use and earmarking of funds from a mining claim holding fee as proposed by the Senate.

Amendment No. 5: Deletes House language limiting patenting of mining claims on Federal lands under current mining laws as was proposed by the Senate.

The managers agree to delete the House language with the understanding that the Senate will take up this issue in the appropriate authorizing committee during



fiscal year 1992. The managers expect the Senate to address the specific concerns regarding fair market value for mining patents, a reversionary clause precluding mining patents from being transferred for other uses, and some type of holding fee for non-patented mining claims.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the date named in said amendment, insert October 1, 1992

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment prohibits issuance of land patents for certain oil shale mining claims before October 1, 1992, instead of July 1, 1992 as proposed by the Senate. The House had no similar provision. This makes the provision applicable for the full fiscal year.

#### FIREFIGHTING

Amendment No. 7: Appropriates \$122,010,000 for firefighting as proposed by the House instead of \$222,879,000 as proposed by the Senate. Additional amounts are included in amendment No. 9.

Amendment No. 8: Deletes language proposed by the Senate which designated amounts above \$100,869,000 as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no similar provision. This item is addressed in Amendment No. 9.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

**\*12** Restore the matter stricken by said amendment, amended to read as follows:

#### EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, \$100,869,000, to remain available until expended: Provided, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores the House proposed appropriation of \$100,869,000 for emergency firefighting and includes a Congressional designation of an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment deletes language requiring a similar Presidential declaration in order to spend the funds. Language is also included specifying that in future years only amounts in excess of a ten-year average for emergency firefighting costs will be considered "emergency requirements" under the Act.

## CONSTRUCTION AND ACCESS

Amendment No. 10: Appropriates \$14,318,000 for construction and access instead of \$12,503,000 as proposed by the House and \$15,768,000 as proposed by the Senate. The net decrease below the amount proposed by the Senate consists of increases of \$100,000 for the Cisco boat take-out facility, UT; \$370,000 for the La Cueva picnic area, Organ Mountains, NM; \$200,000 for Baker Dam and Sand Mountain in the Dixie Resource Area, UT; and \$400,000 to reconstruct the pipeline water system on the McGregor Range, NM; and decreases of \$950,000 for the interagency administrative office in Nevada, leaving \$650,000 for survey and design; \$320,000 for the Campbell Tract in Alaska, leaving \$100,000 for design activities; \$1,000,000 for Yaquina Head, OR, leaving \$2,119,000 for lower quarry and tidal zone work only; and \$250,000 for End of the Oregon Trail visitor center planning and design.

## LAND ACQUISITION

Amendment No. 11: Appropriates \$25,322,000 for Bureau of Land Management land acquisition instead of \$33,640,000 as proposed by the House and \$16,660,000 as proposed by the Senate.

The managers agree to the following distribution:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

**\*13** Priority for acquisitions at Santa Rosa Mountains NSA, CA, should be given to those tracts with greatest benefit to wildlife resources.

The managers recognize an agreement which exists between the Bureau of Land Management and Lake and Harney Counties regarding continued acquisition of private lands by the Federal government in the Steens Mountain, OR area. Pursuant to this agreement, the Nature Conservancy will make annual tax equivalency payments to the counties based on the purchase price per acre and shall continue making such annual payments until legislation is enacted which will increase the overall level of Payment-in-Lieu-of-Taxes payments to the counties.

While the managers support the acquisition of the Gillette Ranch properties, this project should be accomplished to the greatest extent possible through a land exchange. The managers provide an amount not to exceed \$2,000,000 to acquire only what cannot be acquired through land exchange.

The managers further direct the Bureau of Land Management to develop, within one year, and implement, within two years, from the date of enactment of this Act, a plan to restore the Federal landownership ratio to that which existed prior to this fiscal year 1992 acquisition.

## OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates \$90,274,000 for Oregon and California grant lands instead of \$93,074,000 as proposed by the House and **\*14** \$96,994,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net decrease below the amount proposed by the House consists of increases of \$1,500,000 for timber management; and \$800,000 for resource management planning; and a decrease of \$5,100,000 for reforestation. Within the total amount of \$79,109,000 for resources management the Bureau may adjust amounts for timber management, resource management planning and reforestation based on operating needs provided that any significant

changes are reported to the House and Senate Committees on Appropriations.

#### ADMINISTRATIVE PROVISIONS

Amendment No. 13: Restores House language stricken by the Senate excepting cooperative printing arrangements from certain requirements.

#### U.S. FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

Amendment No. 14: Appropriates \$518,437,000 for Resource Management instead of \$509,891,000 as proposed by the House and \$526,675,000 as proposed by the Senate. The net increase to the amount in the House includes increases of:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

**\*15** The managers agree to the following:

1. Pursuant to an Inspector General's report, for fiscal year 1993 the Service must have in place a mechanism to recover costs for operation of four mitigation hatcheries.

2. Aquatic nuisance control includes increases of \$300,000 for work related to control of the zebra mussel, \$200,000 for the laboratory at Sandusky, OH and \$200,000 for the LaCrosse NFRC, WI.

3. The Service is expected to establish an ecological services suboffice in northern Indiana.

4. No funds are made available for a study of seals and sea lions at the Ballard Locks in Seattle.

5. In total \$500,000 is available for Service participation in the Southern California wetlands cooperative research project.

6. The Service is to survey the wetlands and wildlife habitat at Fort Devens, MA for possible inclusion in the adjacent Oxbow National Wildlife Refuge and report its findings to the Committee by December 31, 1991.

The managers are aware of the multi-species habitat conservation plans which are being developed for coastal sage scrub areas of southern California. This comprehensive planning requires the cooperation of Federal, state and local governments and the affected property owners. The conference report provides \$600,000 to the Laguna Niguel field office of the Fish and Wildlife Service for the sole purpose of evaluating and processing these plans. The managers expect the headquarters and regional office of the U.S. Fish and Wildlife Service to work closely with the field office in order to utilize Service expertise in habitat conservation planning.

The managers reiterate the Senate report language directing the U.S. Fish and Wildlife Service to report on hatchery practices and agree that the report should address tribal proposals for hatchery practice reform. The Service shall report on modifications to existing Columbia Basin hatchery programs that will be necessary to implement hatchery reform proposals consistent with the trusteeship responsibilities of the Service and its duty to mitigate fish losses due to hydroelectric development. The managers further **\*16** direct the Service to consult within the framework of the Columbia River Management Plan under United States v. Oregon on a pilot project implementing Chapter C entitled "Supplementation" of the Integrated Systems Plan unanimously submitted to the Northwest Power Planning Council on June 1, 1991, by the member tribes and agencies of the Columbia Basin Fish and Wildlife Authority. However, the pilot project shall be consistent with

the duty of the Service to mitigate fish losses due to hydroelectric development and shall not interfere with the genetic integrity of existing wild salmon populations.

The managers direct the Fish and Wildlife Service to do a study of the staffing needs at the Silvio O. Conte Anadromous Fish Lab and report back to Congress by March 1, 1992.

The Service in cooperation with the Governor of the State of Washington is to initiate a negotiated settlement of the shellfish harvest dispute in the State of Washington with the \$200,000 provided. The managers expect that after consultation with affected parties, and in cooperation with the Governor of the State of Washington, \$150,000 of the amount provided shall be expended for necessary facilitation, staff support, and technical expertise. The managers direct the remaining \$50,000 to be divided equally between the Northwest Indian Fisheries Commission and private landowner organizations for negotiation support.

Amendment No. 15: Provides \$10,806,000 for the Lower Snake River Compensation Fund as proposed by the Senate instead of \$10,306,000 as proposed by the House.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: :  
Provided, That none of the funds in this Act may be expended to reintroduce wolves in Yellowstone National Park and Central Idaho

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to include language in the bill to prohibit use of funds in this Act to reintroduce wolves into Yellowstone National Park and Central Idaho. The managers further agree that:

1. The Fish and Wildlife Service is to prepare an environmental impact statement in consultation with the National Park Service and the Forest Service. For this purpose, \$348,000 is provided for the Fish and Wildlife Service and \$150,000 is provided for the National Park Service. Forest Service needs are to be covered within funding for the agency's endangered species responsibilities.

2. The environmental impact statement is to cover a broad range of alternatives.

3. The draft environmental impact statement should be completed no later than 18 months after enactment of the 1992 Interior appropriations bill.

4. The Fish and Wildlife Service is to provide quarterly reports on the progress of the draft EIS.

- \*17 5. The Fish and Wildlife Service should follow normal distribution patterns for EIS including appropriate Congressional distribution.

#### CONSTRUCTION AND ANADROMOUS FISH

Amendment No. 17: Retains the heading "And Anadromous Fish" as proposed by the House instead of deleting it as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$114,895,000 for Construction and Anadromous Fish instead of \$71,102,000 as proposed by the House and \$96,750,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution of funds:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

**\*18** The managers agree to the following:

1. No money is provided for planning a new visitor facility at Mammoth Springs NFH, AR.

2. The striped bass study is to be carried out at Leetown NFRC, WV.

3. Remaining repairs necessary to complete flood damage repair at Leavenworth NFH, WA are to be accomplished within available funds.

The managers direct the Service to study the feasibility of a joint partnership with the Wildlife of the American West Art Museum, a not-for-profit organization, to develop a fish and wildlife interpretative/educational facility on non-Service lands adjacent to the National Elk Refuge and Jackson National Fish Hatchery. The study will include provisions for public access to the joint facility, the Refuge Sleigh Ride, the hatchery and related facilities with minimal impact on the environment and operation of the refuge and hatchery. A report on this matter should be submitted to the Committees on Appropriations not later than March 1, 1992.

The managers agree that total construction costs for the National Education and Training Center shall be no more than \$100,000,000 and that total costs for the Center, including land acquisition, site preparation, planning, design and outfitting shall be no more than \$125,000,000.

The \$6,500,000 appropriation for construction of the Audubon Institute Audubon Center for Research in Endangered Species (ACRES) is contingent upon a commitment by the Center to focus research and propagation for species determined by the Fish and Wildlife Service to be highest priority. Service priorities will include native species (i.e., those with a range that includes part of the United States including the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands) that are listed under the Endangered Species Act (Act) or are candidates for listing under the Act. The Service and the Institute shall jointly develop a binding cooperative agreement that identifies particular species or groups of species for which the Service has identified a priority need for captive propagation, research associated with reproductive biology or other endangered species research, and establishes a mechanism for addressing the research needs.

The managers understand that the total project is expected to cost \$30 million. The Federal share for this project shall be limited to \$15 million, or 50 percent of the total cost, whichever is less.

**\*19** Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter stricken by said amendment, insert: , of which \$400,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act ([16 U.S.C. 757a-757g](#)) and of which \$13,000,000 for Walnut Creek NWR, IA shall be made available on September 30, 1992

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores House language regarding the Anadromous Fish Conservation Act and provides \$13,000,000 for Walnut Creek NWR, IA to become available on September 30, 1992.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows for full procurements for the Patuxent Wildlife Research Center, for the National Education and Training Center and the National Fisheries Research Center.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds the words "and Restoration" to the account title of the Natural Resource Damage Assessment Fund.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows restoration activities to be funded through this account.

It is the intent of the managers that restoration activities be funded through reimbursements to the account. The Service is to report quarterly on the receipts and disbursements in this account.

Amendment No. 23: Appropriates \$4,370,000 for the Natural Resource Damage Assessment and Restoration Fund instead of \$3,740,000 as proposed by the House and \$5,000,000 as proposed by the Senate.

Within funds provided for the Natural Resource Damage Assessment program, \$300,000 is to be used by the Fish and Wildlife Service, as a Natural Resource Trustee, to work with other public and private entities, including the Commencement Bay Cleanup Action Committee, to develop, administer, and implement a natural resource damage assessment and restoration plan for the Commencement Bay environment. The assessment and restoration plan should be developed as a bay-wide rather than piecemeal approach to assessment and restoration. The plan should be completed in one to three years, with the scope of work for the plan to be completed within no more than one year.

#### LAND ACQUISITION

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment **\*20** which appropriates \$100,117,000 for Fish and Wildlife Service land acquisition instead of \$87,722,000 as proposed by the House and \$84,720,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The managers agree that:

1. The Forest Service is to be consulted as part of the study to determine possible acquisition at Afognak Island from oil spill settlement funds. Potential acquisitions are not expected to be carried out by the use of condemnation.

**\*21** 2. The Service may use unobligated balances from the San Joaquin NWR, CA for purchase of property in the East Grasslands area of California.

3. Funds for E.B. Forsythe NWR, NJ are for properties at Reedy Creek and Cedar Bonnet Island.

4. Additional funds to complete acquisition at Savannah River NWR, GA will be considered in fiscal year 1993.

The managers direct the Fish and Wildlife Service to study alternatives for managing the new addition to the Ottawa National Wildlife Refuge. This study should include options for dealing with the current contracts to pump surface runoff for area residents; current farming operations; and the feasibility of using land acquired as a flow through filtration system for water. Particular attention should be paid to management of the land for endangered and threatened species, neotropical migrants and the potential for restoring biodiversity. It is the managers' intention that the acquisition not include the 6309 square foot manor

house, adjacent to the property.

The managers agree to provide initial funding for the establishment of Bald Knob National Wildlife Refuge, Arkansas and expect that this refuge will be managed in a manner to sustain not less than 50 percent bottom land hardwood characteristics as the refuge is developed.

The \$5,000,000 agreed to for Lake Umbagog NWR, NH/ME is conditioned upon final approval by the Appropriations Committees on the terms and conditions of the easements proposed for acquisition.

#### NATIONAL WILDLIFE REFUGE FUND

Amendment No. 25: Appropriates \$12,000,000 for the National Wildlife Refuge Fund instead of \$11,000,000 as proposed by the House and \$14,000,000 as proposed by the Senate.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, [P.L. 101-233](#), in fiscal year 1992 and thereafter, amounts above \$1,000,000 received under section 6 of the Migratory Bird Treaty Act ([16 U.S.C. 707](#)) as penalties or fines or from forfeitures of property or collateral, but not to exceed \$12,000,000; and, in fiscal year 1992 and thereafter, amounts credited as interest during the immediately preceding fiscal year to the Federal Aid in Wildlife Restoration Fund in accordance with section 3(b) of the Act of September 2, 1937 ([16 U.S.C. 669\(b\)](#)), as amended. All amounts made available herein shall remain available until expended.

**\*22** The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to recommend up to \$12,000,000 in appropriations for the North American Wetlands Conservation Act from fines paid by Exxon and Exxon Shipping Company as a result of the Exxon Valdez spill in Prince William Sound, Alaska rather than \$8,500,000 as proposed by the Senate under the North American Wetlands Conservation Act. These funds are in addition to \$14,000,000 in permanent appropriations which will be available in fiscal year 1992 for the wetlands conservation program.

#### SPORT FISH RESTORATION ACCOUNT

Amendment No. 27: Deletes House provision stricken by the Senate capping the State share of Sport Fish Restoration Account at \$190,000,000.

#### ADMINISTRATIVE PROVISIONS

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate

which allows the Fish and Wildlife Service to enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement, on a public-private cost-sharing basis, the North American Wetlands Conservation Act and the North American Waterfowl Management Plan.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the National Fish and Wildlife Foundation to draw down Federal funds when matching requirements have been met. It also allows interest earned by the Foundation and its subgrantees on funds drawn down to date but not immediately disbursed to be used to fund direct projects and programs.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 30: Appropriates \$965,665,000 for Operation of the National Park System instead of \$969,047,000 as proposed by the House and \$949,976,000 as proposed by the Senate.

In management of park areas, the change to the House position includes increases of \$75,000 for Acadia NP, \$250,000 for Alaska subsistence operations, \$160,000 for Agate Fossil Beds NM, \$70,000 for Buffalo NR, \$200,000 for Gateway NRA, \$125,000 for Great Basin NP, \$50,000 for Lake Meredith RA & Alibates Flint Quarries, \$200,000 for the U.S.S. Arizona Memorial on a one-time basis, \$100,000 for Natchez NHP, MS, \$100,000 for New River Gorge NR, WV, and \$50,000 for Scotts Bluff NM and decreases of \$80,000 for the Accokeek Foundation, \$35,000 for the Alice Ferguson Foundation, \$150,000 for Blackstone River Corridor Technical Assistance, \$150,000 for Lowell NHP, \$150,000 for the servicewide intake program, \$250,000 for the William O. Douglas Outdoor Education Center and a \$5,000,000 general reduction.

\*23 For concessions management, there is no change to the House position. Under interpretation and visitor services there are increases of \$150,000 for Harpers Ferry NHP and \$100,000 for Knife River.

Under visitor protection and safety Olympic NP is to receive \$56,000 for a one-time installment of a telephone and radio dispatch service.

In maintenance, the change to the House position includes increases of \$100,000 for Cape Cod NS, \$30,000 for Chickasaw NRA, \$225,000 for Jean Lafitte NHP, \$50,000 for Lake Mead NRA, \$150,000 for Lowell NHP, \$400,000 for New River Gorge NR, \$100,000 for San Antonio Missions NHP, and \$300,000 for Hot Springs NP, and a decrease of \$50,000 for San Francisco Maritime NHP.

For resources management, the change to the House position includes increases of \$75,000 for the applied ethnography program, \$300,000 for Chacoan Outliers NM, \$250,000 for Lake Mead NRA, and \$550,000 for Mimbres Native American archaeological sites and decreases of \$1,000,000 in global change research, \$198,000 for a wolf EIS and \$5,000,000 in the Targeted parks program.

There is a decrease of \$125,000 to the amount provided by the House for the International Union for the Conservation of Nature and Natural Resources.

There is a decrease of \$2,000,000 in the proposed Challenge Cost Share program.

The managers agree to the following distribution of funds under Statutory and Contractual Aid:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

In General Administration, there is an increase over the House position of \$2,100,000 for D.C. water payments.



The managers agree to the following:

1. \$300,000 is provided for a handicapped accessibility study. The study is to be conducted in association with Indiana University.
2. of the \$250,000 increase provided Lake Meade NRA under resources management, \$50,000 is for burro management. In \*24 addition, \$250,000 within available funds is for visitor protection at Lake Mead NRA.
3. \$150,000 is included for National Park Service activities associated with preparation of an EIS related to reintroduction of wolves in Yellowstone and other related wolf activities.
4. the National Park Service may establish a cave research institute in connection with Lechuguilla Cave.
5. \$100,000 is provided within available funds to allow the National Park Service to provide assistance to the City of Tacoma, WA.
6. based on the report submitted to the Appropriations Committees there is no objection to moving the Williamsport Preservation and Training Center to Monocacy NB, MD.

The managers understand that the Superintendent of Olympic National Park and the city of Tacoma, Washington have reached an agreement on the matter of the Lake Cushman Reservoir boundary dispute. The managers are pleased to learn that the Park and the City have identified a three-way land exchange involving the lands of the Washington Department of Natural Resources as a mutually acceptable means of resolving this dispute. After completion of a land exchange between the City and the Department of Natural Resources, the City will convey the former Department of Natural Resources lands to Olympic National Park in exchange for title to the disputed Cushman project lands. The Park has agreed to support legislation which will direct the Secretary of the Interior to adjust the boundary of the Park contingent upon completion of the property exchange. The managers urge the National Park Service, in an expeditious manner, to submit to Congress the following:

- (a) an agreement pursuant to which Olympic National Park and the City will proceed expeditiously to take all necessary actions to facilitate the contemplated land exchange between the Department of Natural Resources and the City, and to complete the land exchange between the City and the Park; and
- (b) legislative language which authorizes an adjustment to the boundary of Olympic National Park to exclude newly-titled city lands, effective upon completion of the Tacoma-Olympic National Park land exchange set forth in subsection (a) above.

Amendment No. 31: Restores House language stricken by the Senate which provides \$700,000 for the National Institute for Conservation of Cultural Property as proposed by the House.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: Restore the matter stricken, amended to read as follows: : Provided further, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: Provided further, That notwithstanding any other provision of law, hereafter the National Park Service may make road improvements for the purpose of public safety on Route \*25 25 in New River Gorge National River between the towns of Glen Jean and Thurmond

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment allows the National Park Service to maintain or improve certain roads within New River Gorge NR, WV and Cuyahoga Valley NRA, OH.

Amendment No. 33: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter inserted, insert the following: : Provided further, That of the funds provided herein, \$65,000 is available for a cooperative agreement with the Susan LaFlesche Picotte Center

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides \$65,000 for a cooperative agreement with the Susan LaFlesche Picotte Center.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the number "fifteen" in said amendment insert: ten

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to cap any increase in the rates charged for employee quarters at ten percent. The Senate had proposed a ceiling of fifteen percent.

Amendment No. 35: Deletes Senate amendment which earmarked \$205,000 for the Santa Fe National Historic Trail for brochures, signing and a film. The managers agree that within available funds up to \$205,000 should be made available for this project.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes \$500,000 available to Hot Springs, AR for a flood study as part of the non-Federal share for the purpose of title I of [Public Law 99-662](#).

#### NATIONAL RECREATION AND PRESERVATION

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$23,090,000 for National recreation and preservation instead of \$23,420,000 as proposed by the House and \$25,269,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The changes to the House position include increases of \$150,000 for the Lake Champlain management plan, \$125,000 for the Connecticut River, and \$300,000 for the New Jersey Coastal Heritage Trail; and decreases of \$125,000 in recreation programs, \$730,000 in the rivers and trails assistance program, and \$50,000 for the Quinebaug-Shetucket River.

**\*26** The managers agree that:

1. the only role for the National Park Service in the Lake Champlain area is to provide technical assistance,

2. up to \$270,000 is available to continue studies on the Merrimack, Pemigewasset and Lamprey Rivers, and

3. the Service is to give consideration to moving forward with wild and scenic designations for the Niobrara and Missouri Rivers in Nebraska and South Dakota.

The managers remain concerned about the growth in the Washington office for the State and local Rivers and Trails program, both in project work and staff. The managers, therefore, urge the National Park Service to allocate a greater percentage of Rivers and Trails funds and positions to the regional offices to more effectively and efficiently respond to project requests.

The managers encourage the National Park Service to continue to use its projects and services to promote more comprehensive objective decision making and conflict avoidance between competing river uses.

The managers direct the NPS to provide the Appropriations Committees a written

formal policy and guidelines for NPS river protection activities related to existing and potential energy projects. The policy and guidelines should be prepared in open public consultation with a range of public and private river conservation, recreation and energy interests. The policy and guidelines should be made available to the Appropriations Committees by March 31, 1992.

Included is \$500,000 to continue the Institute for the History of Technology and Industrial Archaeology, with substantial contributions to come from West Virginia.

The Secretary of the Interior is encouraged to give consideration to providing assistance to Oakview, on the Rust College campus. Oakview was listed on the National Register of Historic Places on June 18, 1982.

Amendment No. 38: Deletes Senate amendment which made \$7,500,000 for the American Battlefield Initiative available until expended. The House had no such provision.

#### CONSTRUCTION

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$275,801,000 for construction instead of \$237,506,000 as proposed by the House and \$202,097,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

**\*29** Changes to the House position for general management plans include increases of \$100,000 for Saguaro NM (Tucson Mtn. Unit), AZ, \$150,000 for O'opu hi'u Kole and Opai, HI, \$75,000 for Jean Lafitte NHPP, LA, \$50,000 for the Chisholm, Ellsworth and Western Cattle Drive Trail, KS, and \$100,000 for a coal heritage study and a decrease of \$200,000 for the Springfield Armory, MA.

The managers agree to the following:

1. there is \$50,000 within available general management funds to develop an improvement plan for the campground areas at the Chickasaw NRA, OK.
2. the National Park Service is to provide only technical assistance in the Maumee River area of Ohio.
3. the Assateague appropriation is for the visitor center and associated utilities.
4. if additional money is needed for the Chickamauga-Chattanooga road relocation in fiscal year 1992, it should be taken from savings and slippages.
5. the amount provided for the International Peace Garden is the final Federal payment.
6. the amount for Natchez NHP, MS is for the highest priority work.
7. the Service may transfer sums appropriated for Fortress Rosecrans and Brannan Redoubt at Stones River NB between the two projects to prevent any project delays due to funding shortfalls and to provide flexibility. The Service may also use construction funds to acquire a small plot of land and pave it to provide parking for Brannan Redoubt.

**\*30** 8. the additional \$1,950,000 for the Salem NHS, MA visitor center is the final construction appropriation for this facility.

The managers are concerned about the increased costs and the scope of the Crater Lake project in Oregon. No funds have been provided for planning the Activity Center/Hotel until current plans and additional Crater Lake alternatives are reviewed with the House and Senate Appropriations Committees.

The managers have not included construction funding of \$5,964,000 requested for the President's Park. While the managers agree that improved visitors facilities

are needed for the White House and the surrounding area, questions were raised about the proposed location, including safety aspects, its proximity to the White House, and how the current plans fit into an overall long-term development plan for the Ellipse area. The managers believe that the proposed plans need more consideration and that further planning is necessary before construction funding should be provided. Planning funds of \$600,000 are included to develop a comprehensive long term plan for the construction of facilities to serve both White House visitors and the users of the Ellipse area.

For Hot Springs National Park, the managers have included a total of \$350,000 for planning and \$1,100,000 for construction. These planning funds are to be used solely for activities related to emergency stabilization of park facilities on Bathhouse Row including roof repairs and air handling systems and related utilities necessary for dehumidification to prevent further internal decay of historic structures. Within the amount for construction, \$700,000 has been included for roof stabilization and \$400,000 is for regarding of landscapes in the vicinity of Bathhouse Row to inhibit surface water drainage into historic structures. In the Operations account, \$300,000 has been added to enable the park to hire day labor to make such ongoing repairs as may be necessary including external painting, reglazing and water runoff interceptor systems.

The managers have agreed to include \$645,000 for Martin Luther King NHS for planning of a headquarters and all related facilities in construction package 102 except the rehabilitation of historic homes. The Service is expected to complete these aspects of package 102 well ahead of the 1996 Summer Olympics which are planned for Atlanta. The managers have also recommended \$400,000 for emergency stabilization of Park Service-owned buildings at this historic site. These funds are not to be used for renovation purposes. Rather, the Service is expected to review with the Committees on Appropriations in advance of the fiscal year 1993 appropriations hearings the feasibility and cost of maintaining the integrity of the Martin Luther King National Historic Site through historic leasing or other mechanisms. The Service should be prepared to discuss the long-term impacts of each alternative. The Committees will review the relevant material thoroughly prior to consideration of the fiscal year 1993 Interior Appropriations Bill.

The \$1,000,000 provided for Montpelier, James Madison's home in Virginia, is the Federal contribution to the \$3,000,000 necessary to complete rehabilitation of this historic home. The \$1,000,000 is to be drawn down only to the extent it is matched on a two to one basis with non-Federal funds.

**\*31** The managers agree that the \$1,674,000 provided for the Lewis & Clark National Historic Trail Interpretive Center is for a Nebraska City, Nebraska site located on the south side of U.S. Highway 2 overlooking the Missouri River.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides \$8,440,000 for Everglades National Park instead of \$11,200,000 as proposed by the House and \$9,340,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as follows: : Provided further, That of the funds provided under this heading, \$1,400,000 shall be available for site acquisition and site preparation for the Lincoln Center in Springfield, Illinois: Provided further, That up to \$376,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended ([16 U.S.C. 470](#)), shall be

available until expended for emergency stabilization of the Kennicott, Alaska copper mine, such funds to be transferred to the Alaska State Historic Preservation Office

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that \$1,400,000 shall be available for site acquisition and site preparation for the Lincoln Center. The House had provided \$1,500,000 for land acquisition and \$650,000 for site preparation.

The amendment also provides \$376,000 in the form of a cooperative agreement for emergency stabilization of the Kennicott, Alaska copper mine. The work is to be carried out by the State Historic Preservation Officer. No other Federal contribution will be made available for this site.

Amendment No. 42: Provides \$2,000,000 for the Chicago Public Library as proposed by the House.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$1,000,000 to rehabilitate Tad Gormley Stadium.

Amendment No. 44: Provides \$3,650,000 for a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor as proposed by the House.

Amendment No. 45: Retains House language "until March 1, 1992," regarding the date when funds under the head "Construction" may be released if Steamtown NHS, PA has not been specifically authorized. The Senate had deleted the date.

Amendment No. 46: Retains the word "head" as proposed by the House instead of "Act or any subsequent Act" as proposed by the Senate. This amendment is related to Amendment No. 45 above.

### **\*32 URBAN PARK AND RECREATION**

Amendment No. 47: Appropriates \$5,000,000 for the Urban Park and Recreation program instead of \$10,000,000 as proposed by the House and nothing as proposed by the Senate.

### **LAND ACQUISITION AND STATE ASSISTANCE**

Amendment No. 48: Appropriates \$106,570,000 for land acquisition and State assistance instead of \$108,365,000 as proposed by the House and \$84,450,000 as proposed by the Senate. The managers agree to the following distribution:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The managers agree to consider additional funds, as necessary, for Fort Frederica NM in fiscal year 1993.

While no funds were provided for land acquisition at Channel Islands NP, CA, during the coming year, the Committees will explore options for protection of this property, including fee acquisition.

Amendment No. 49: Provides \$23,500,000 for the State assistance program as proposed by the House instead of \$15,500,000 as proposed by the Senate.

Amendment No. 50: Deletes Senate amendment earmarking \$850,000 within available funds for the acquisition of the Shipley **\*33** and Grandview Schools for use by the National Park Service's interpretive design center in Harpers Ferry, WV. The managers agree that up to \$850,000 shall be made available for this purpose from unobligated balances remaining in completed projects.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate

which allows acquisition of property by condemnation at Santa Monica Mountains National Recreation Area under the condition that zoning permits or variances for such property shall not have changed since those in place on September 19, 1991.

#### ADMINISTRATIVE PROVISIONS

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert: : Provided further, That [section 323 of Public Law 101-512](#) is amended by striking out "B 1/2 NW 1/4 section 9" and inserting in lieu thereof "E 1/2 NW 1/4 section 9": Provided further, That Federal funds available to the National Park Service may be used for improvements to the National Park Service rail excursion line between milepost 132.7 and 100.5 located in Northeastern Pennsylvania

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment changes the description of public lands to be withdrawn for an administrative site contained in [Public Law 101-512](#) for Great Basin NP, NV. The amendment also allows the National Park Service to make improvements to a rail excursion line associated with Steamtown NHS, PA.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the National Park Service to enter into a cooperative agreement with the William O. Douglas Outdoor Classroom.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs the Superintendent of Olympic NP, WA to issue a ten-year special use permit for the continued operation of Kamp Kiwanis.

#### GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates \$590,054,000 for surveys, investigations, and research instead of \$589,499,000 as proposed by the House and \$569,457,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the \*34 amount proposed by the House consists of increases of \$3,000,000 for earthquake hazards reduction; \$800,000 for Louisiana wetlands, \$1,000,000 for western Louisiana/eastern Texas coastal erosion, and \$300,000 for South Carolina coastal erosion, all in the coastal studies program; and \$500,000 to continue the Upper Mississippi River study, and \$250,000 for toxic studies of Lake Champlain and upgrading of the monitoring station at Lake Memphremagog in Vermont, both in the Federal water program; and decreases of \$750,000 for side-looking airborne radar (SLAR); \$2,000,000 for advanced cartographic systems; \$350,000 for Southern Lake Michigan, \$250,000 for Massachusetts Bay, and \$800,000 for Alabama/Mississippi, all in the coastal studies program; \$645,000 for offshore geologic surveys, and \$500,000 for National Water Clearinghouse activity.

The managers agree that any studies on the Kualopu'u aquifer in Hawaii should be funded within the Federal-State cooperative water program if proposed by the State

as a priority in its program with the Survey.

The managers agree that the Survey should continue to participate in the cooperative research project in the Federal-State cooperative water program which involves the Oregon Graduate Institute, if proposed by the State and local cooperators as a priority within the ongoing program.

The managers agree that the USGS should pay particular attention to those regional networks that received favorable ratings from the Review Panel on Regional Seismograph Networks.

#### ADMINISTRATIVE PROVISIONS

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which redesignates the Geological Survey as the United States Geological Survey. The House had no such provision.

#### MINERALS MANAGEMENT SERVICE

##### LEASING AND ROYALTY MANAGEMENT

Amendment No. 57: Appropriates \$207,070,000 for leasing and royalty management instead of \$208,090,000 as proposed by the House and \$199,614,000 as proposed by the Senate.

The net decrease to the amount proposed by the House includes increases in resource evaluation of \$500,000 for activities in the Gulf of Mexico region and \$2,000,000 in the regulatory program for the oil spill response initiative; and decreases of \$2,000,000 for environmental studies, \$1,000,000 for leasing and environmental assessment activities in areas not included in the next 5- year OCS leasing program, \$320,000 for inspectors in the regulatory program and \$200,000 for late disbursement interest payments.

The managers note that the decrease of \$2,000,000 in environmental studies in actuality represents an increase of \$2,000,000 over the budget. At the end of fiscal year 1991 the Appropriations Committees approved the reprogramming of roughly \$4,000,000, originally appropriated for the West Delta OCS oil and gas drainage **\*35** claim, to the environmental studies program, thereby offsetting some fiscal year 1992 requirements.

The managers agree that:

1. Funds provided for leasing and environmental and resource evaluation programs, including environmental studies, are to be limited to areas with active leases or which are under consideration for leasing in the 5-year OCS plan;

2. Funds provided for the oil spill response initiative include the budgeted amounts for operations and research at the Oil and Hazardous Materials Simulated Environmental Test Tank;

3. The MMS should initiate the Technical Information Management System as a pilot project in the Gulf of Mexico region and include, in its fiscal year 1993 budget request, a detailed description, an implementation schedule and cost estimates by year for that pilot project;

4. The National Academy of Sciences study of Alaska OCS sale areas should be conducted consistent with the intent expressed in the statement of the managers accompanying the fiscal year 1991 appropriation, considering information available from the nationwide OCS assessment conducted by the NAS; the managers did not intend this evaluation to be a multi-year, high cost study and are dismayed that this project has not yet commenced;

5. The MMS, in cooperation with the Bureau of Land Management and the Forest Service, should report in its fiscal year 1993 budget request on recommendations for revising the methodology used to assess mineral leasing royalty collection and distribution costs by State; and

6. The MMS, in coordination with the Bureau of Land Management, the Forest Service and the States, should report by February 1, 1992 on the extent to which mineral leasing royalty collection and distribution functions could be performed by State agencies more efficiently and at lower costs.

Amendment No. 58: Earmarks \$66,584,000 for royalty management instead of \$66,784,000 as proposed by the House and \$66,574,000 as proposed by the Senate. The \$200,000 decrease to the amount proposed by the House is for late disbursement interest. The managers expect the MMS to provide for interest payments within available funds as in the past.

Amendment No. 59: Restores House language providing for refunds on Indian allottee lease overpayments.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the deduction of 50 percent of program administrative costs prior to the distribution of mineral leasing receipts to the States and the Federal Treasury. The House had no such provision.

Amendment No. 61: Deletes language proposed by the Senate providing \$21,000,000 to the State of Louisiana and its lessees for the West Delta oil and gas drainage claim concerning certain offshore oil and gas leases.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for cooperative \*36 audits to be conducted by States and Indian tribes for coal, geothermal and other Federal lease royalties. The house had no such provision.

#### BUREAU OF MINES

#### MINES AND MINERALS

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$176,690,000 for mines and minerals instead of \$175,890,000 as proposed by the House and \$172,849,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers expect the Bureau, to the maximum extent within the funds provided, to continue on schedule the programs, projects and activities at its research centers, and agree to the following changes to the budget request.

Information and Analysis.-The managers agree to a decrease of \$5,148,000 for information and analysis activities which will allow continuation of the program at the same level as in fiscal year 1991.

Health Safety and Mining Technology.-In the health safety and mining technology activity, increases include \$4,035,000 for advanced mining systems, of which \$950,000 is for the Casa Grande in-situ copper leaching project, contingent on a 25 percent industry cost share, \$500,000 is for in-house laboratory support for the Casa Grande project and \$1,400,000 is for computer assisted mining; \$5,750,000 for occupational health research; \$3,000,000 for ground control research; \$860,000 for human factors research; \$300,000 for mine safety systems research; and \$3,290,000 for mine disaster prevention, of which \$1,000,000 is for fire technology testing and equipment recovery at the Mathies mine in Pennsylvania, contingent on a dollar-



for-dollar industry cost share.

Minerals and Materials Science.-In the minerals and materials science activity the managers agree to an increase of \$1,115,000, of which \$615,000 is for ongoing research at the Idaho National Engineering Laboratory, and \$500,000 is for the third and final year funding of the Oregon Metals Initiative which is to be matched on a dollar-for-dollar basis with non-Federal funds.

Environmental Technology.-In the environmental technology activity the managers agree to an increase of \$5,104,000 including \$1,500,000 for the National Mine Land Reclamation Center; \$530,000 for an assessment of the sediments in the Chicago River; \$250,000 for the fifth and final year funding on soil revegetation in Arkansas; \$75,000 each for site characterization of subsidence from abandoned iron ore mines in High Bridge and Oxford Township, New Jersey, contingent on matching funds from non-Federal sources; and \$2,674,000 for ongoing research on the control of mine drainage and liquid waste, of which \$150,000 is for an examination of the hydrology impacts of subsidence and \$1,292,000 is for water contamination research.

**\*37 Mineral Institutes.**-The managers agree to an increase of \$1,700,000 for the mineral institutes program including \$1,200,000 to continue the Marine Minerals Technology Center at the same level as in fiscal year 1991 and \$500,000 for allotment grants to the 30 institutes.

General Administration.-The managers agree to a decrease of \$921,000 for General Administration as described in [House Report 102-116](#) and [Senate Report 102-122](#).

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which earmarks \$101,682,000 to remain available until expended for research programs instead of \$101,382,000 as proposed by the House and \$99,523,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### REGULATION AND TECHNOLOGY

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$111,100,000 for regulation and technology instead of \$110,250,000 as proposed by the House and \$110,065,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The change to the House recommended level consists of an increase of \$850,000 to fund implementation of the Applicant Violator System by the States.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for full funding of the States' costs for implementation of the Applicant Violator System. The House had no such provision.

##### ABANDONED MINE RECLAMATION FUND

Amendment No. 67: Appropriates \$190,200,000 for the abandoned mine reclamation fund as proposed by the House instead of \$188,404,000 as proposed by the Senate. The amount agreed to by the managers includes two changes to the House recommended funding levels. First, State reclamation program grants are funded at \$137,000,000 which is an increase of \$7,000,000 to fund State-run emergency reclamation programs. Second, there is a decrease of \$7,000,000 for the emergency program under

the Federal reclamation program to offset that portion of the emergency program funded under the State AML grants account.

The managers have agreed to statutory language in amendment No. 68 which limits the amounts that may be obligated on emergency reclamation projects, including the amount that may be spent in any one State. Specifically, \$22,000,000 is provided for State and Federal programs, of which no State may receive more than 20 percent and no more than \$15,000,000 may be used for Federal \*38 emergency programs. The OSM may reprogram funds from the Federal emergency program account to the State AML grant account as needed for State-administered emergency programs as long as the 20 percent limit per State is not exceeded.

The emergency program exists to provide immediate abatement at reclamation sites that pose imminent threats to public health and safety. This program should not be used by States as a secondary delivery mechanism that parallels the States' AML grant program.

The managers continue to be concerned as OSM Federal emergency program costs have escalated out of control over the past three years with no apparent rationale, and seem likely to continue to escalate without some strict controls. The Senate's proposed solution to this problem has merit. It would establish a single delivery mechanism for State AML reclamation projects including emergencies in primacy States. Indeed several States effectively manage their own emergency programs now. The managers have elected not to make State takeovers of emergencies mandatory in fiscal year 1992 due to the concern that some of the States that currently rely on OSM for quick response to emergency reclamation needs may require some time to establish the needed procedures to take over their emergency programs.

The managers have agreed to continue emergency program funding in fiscal year 1992 subject to the restrictions explained below.

The managers expect to see reforms in the Federal emergency program. Preliminary results of an OSM evaluation of the program have indicated that a large number of high cost projects involving full reclamation are being funded with Federal emergency funding. Some of these projects are not begun until 4 to 6 months after the declaration of an emergency. This practice must stop.

The managers believe that an emergency should involve a situation that needs to be addressed in a matter of days not months and that the OSM, using Federal emergency funds, should do the minimum necessary to effect emergency abatement. The OSM should work with the States to establish cooperative agreements on the use of State AML grant funds to conduct the balance of work required for full reclamation if such an action is cost effective at the time of emergency abatement.

Each outstanding emergency project awaiting funding at the beginning of fiscal year 1992 should be reevaluated and recertified, including an assessment of the cost required for minimum emergency abatement. The OSM, as part of its State AML grant award criteria, should consider first projects identified through the emergency program as having potential for deterioration of emergency conditions.

The managers expect the OSM to report, no later than two weeks before its first fiscal year 1993 budget hearing, on the status of the State and Federal emergency programs; on recommendations for the takeover by the States of the emergency programs currently conducted by OSM and on schedules for such takeovers.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

\*39 In lieu of the matter stricken by said amendment insert: Provided, That of the funds herein provided up to \$22,000,000 may be used for the emergency program authorized by [Section 410 of Public Law 95-87](#), as amended, of which no more than 20 percent shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall

not exceed \$15,000,000: Provided further, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office

And on page 26 beginning on line 9 of the House engrossed bill, **H.R. 2686**, strike: "of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of [Public Law 95-87](#), as amended (30 U.S.C. 1232(g))."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment specifies the distribution of emergency funding and the staffing level for the Wilkes-Barre Field Office and strikes language referring to section 402(g) of [Public Law 95-87](#), as amended.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

After the word "Provided" in said amendment insert: further

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment allows the Department of the Interior to use up to 20 percent of delinquent debt recoveries, pursuant to [Public Law 97-365](#), to pay for contracts to collect these debts. The House had no such provision.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limits administrative expenses of the rural abandoned mine program to 15 percent of the funds available for that program. The House had no such provision.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Secretary of the Interior to deny 50 percent of a State's AML grant if the State is systematically failing to administer its approved regulatory program. The House had no such provision.

#### BUREAU OF INDIAN AFFAIRS

#### OPERATION OF INDIAN PROGRAMS

Amendment No. 72: Restores language proposed by the House and stricken by the Senate making funds available for education.

Amendment No. 73: Restores language proposed by the House and stricken by the Senate making funds available for schools.

Amendment No. 74: Appropriates \$1,236,078,000 for operation of Indian programs instead of \$1,283,630,000 as proposed by the House and \$803,489,000 as proposed by the Senate. The decrease from the **\*40** amount proposed by the House consists of the following: decreases of \$47,437,000 for education, \$4,000,000 for self-determination services; \$5,000,000 for community and economic development grants, \$50,000 for agriculture, \$200,000 for water resources; \$197,000 for wildlife and parks, \$50,000 for minerals and mining, \$500,000 for rights protection, and \$2,500,000 for essential tribal services; and increases of \$1,330,000 for tribal government services; \$400,000, for social services; \$1,857,000 for Indian services, tribe/agency; \$2,621,000 for natural resources, tribe/agency; \$50,000 for trust responsibilities, tribe/ agency to restore the 1991 add-on for Flathead realty; \$400,000 for facilities operations and maintenance (transferred from school operations); and \$5,724,000 for general administration.

The decrease in education consists of a decrease of \$6,274,000 to school operations, which includes increases of \$1,000,000 for the ISEP formula and

\$100,000 for the Navajo child sexual abuse project, to be spent consistent with the comprehensive plan formulated to address this problem, and decreases of \$2,000,000 for Education 2000 grants, \$1,400,000 to facilities operations and maintenance, and \$3,974,000 to transfer facilities area offices staffing to the facilities operations and maintenance (non-education) line item; an increase of \$532,000 for continuing education, including a decrease of \$118,000 for SIPI and increases of \$500,000 for Title I tribally-controlled colleges and \$150,000 for the Navajo Community College; an increase of \$1,000,000 for tribe/agency operations, to restore FY 1991 scholarship funding, as allocated by the Senate; and a decrease of \$42,695,000 for putting the balance of the education programs on a forward-funded basis. The managers hope to be able to address this issue in the next fiscal year.

The increase of \$1,330,000 for tribal government services includes an increase of \$80,000 under new tribes funding for the Coquille tribe, and a decrease of \$250,000 for the Yurok Interim Council. This will provide continued funding of \$250,000, since the Council will not be organized and able to use these funds until November, 1992. There is also an increase of \$1,500,000 for child protection and family violence protection. The increase of \$400,000 for social services includes an increase of \$5,000,000 due to the increased rate of general assistance payments in Arizona, and decreases of \$1,600,000 for Kalispell retroactive payments, since these payments were made in fiscal year 1991, and \$3,000,000 for Indian Child Welfare Act grants, leaving an increase of \$7,550,000 over the fiscal year 1991 level. Within Indian services, tribe/agency, there is \$298,000 to continue the Navajo child sexual abuse program and \$100,000, which was included in the budget request, for the Hopi child sexual abuse program. Within the general assistance program, up to \$2,000,000 may be made available, as needed, for administrative costs related to the Alaska general assistance program.

The managers understand that some tribes have expressed concern about the lack of meaningful consultation in the BIA's current efforts to revise its social service regulations. The managers want to ensure that the annual appropriation for BIA social services provides for programs that are responsive to the needs of the tribes. Therefore, the managers strongly urge the BIA to give the \*41 tribes additional opportunities to consult on the future of these vital programs prior to publication of proposed regulations.

The managers have agreed to provide a \$2,000,000 increase over the budget request for the self-governance demonstration project for shortfalls experienced by the tribes in negotiation and implementation. The education initiative associated with the project should be continued, with \$150,000 to be provided to the Lummi tribe. Shortfall monies are to be available only to tribal annual funding agreements, and to the extent possible stable tribal base funding should be maintained for those tribes entering their second year of project implementation. The managers are aware that various Bureau officials are questioning the discretionary authority of self-governance tribes in expending BIA funds according to tribal budget priorities pursuant to tribal compacts and annual funding agreements. The managers agree that the Bureau should not encroach on tribal decision-making authority regarding self-governance funds management, when such decision-making is pursuant to the compacts and funding agreements. Within the funds provided for self-governance activities, the Bureau shall consider the needs of the Makah tribe for its self-governance demonstration project.

The managers have agreed to provide \$200,000 each for the Intertribal Agricultural Council and the Council of Energy Resource Tribes. It is expected that an increasing portion of the costs for these organizations will be provided from member tribes.

The decrease of \$200,000 to water resources is for a transfer of funds from tribal water resource planning in Washington State (leaving a balance of \$550,000)

to the Fish and Wildlife Service for shellfish negotiations.

The decrease of \$197,000 to wildlife and parks consists of decreases of \$500,000 to the timber-fish-wildlife initiative, \$110,000 for the Quinault tribe since these funds are included in the tribe's self-governance compact funding, \$100,000 for the Chippewa-Ottawa Treaty Fishery Management Authority, \$300,000 for the Circle of Flight wetlands initiative, \$86,000 for Minneapolis Area conservation officers training, \$25,000 for the Native American Fish and Wildlife Society, and \$100,000 for the bison project; and increases of \$174,000 for the Navajo natural heritage program, \$175,000 for Wisconsin fisheries, \$175,000 for the Skokomish Delta recovery plan, and \$500,000 for Pyramid Lake fisheries.

The increase of \$2,621,000 for natural resources-tribe/agency consists of restoration of the fiscal year 1991 add-ons, with the exception of \$174,000 for the Navajo natural heritage program which has been included under tribal management and development. The total amount provided includes \$100,000 to restore timber administration. The decrease of \$500,000 under rights protection is for water rights negotiation. The managers expect a total of \$1,800,000 to be made available for the Little Colorado River litigation, including funding for the Navajo, Hopi, Zuni and San Juan Southern Paiute tribes.

The managers have agreed to provide \$12,500,000 for essential tribal services. Of this amount, \$500,000 is available to begin to address historic funding inequities at the Michigan agency. Additional efforts for this purpose, as well as to address historic inequities at other locations, should be reviewed and included in the recommendations \*42 of the Reorganization Task Force. No earmark is included for the Taos Blue Lake wilderness program, for which the managers understand \$111,000 is included in the base for fiscal year 1992. The Taos Pueblo may use additional funds available under this program, as well as the expanded reprogramming authority discussed below, to increase this program if necessary in fiscal year 1992.

With regard to the essential tribal services funding, the managers agree that the funds are to be allocated under the Indian Priority System, but only for tribal priorities. None of the funds are available for Area office field operations, or for Agency office administrative or executive direction costs, unless the tribe or tribes involved establish such costs as a priority. For fiscal year 1992, the funds are not available for tribes receiving \$100,000 or more in restorations of fiscal year 1991 add-ons. At the beginning of fiscal year 1992, all tribe/agency funds included in the 1992 budget plus these additional funds may be reprogrammed by the tribes if they determine there are higher priorities than those for which the funds were initially provided, or as provided under the IPS process; thereafter, for the balance of the year, the regular reprogramming guidelines should be followed. The resulting revised distribution should be used as the basis for the table showing tribe/agency allocations included with fiscal year 1993 budget request, and the funds should be retained in the base.

The increase of \$5,724,000 in general administration includes \$1,000,000 for the Federal Financial System, \$250,000 for education program management, to be used only for education positions, not administrative positions, \$500,000 for construction program management, and \$3,974,000 for the transfer of the Area Office staffing from the school operations line item.

The managers agree that funding for the 1854 Authority includes the Fond du Lac tribe. Within water resources funds, the Miccosukee and Seminole water management programs are to be continued at current levels. At least \$300,000 is available for participation of the Lower Elwha Klallam tribe in FERC proceedings related to dam removal. The Bureau is directed to complete the strategic plan for trust fund management, continue to work with the General Accounting Office and the Intertribal Monitoring Association and report quarterly to the Committees on progress made in the program, including the reconciliation effort. In cooperation with the

Reorganization Task Force, the managers expect the Bureau to consider alternative methods of presenting the natural resources budget. Within litigation support, there is \$150,000 for the Arkansas Riverbed Authority. Under attorneys' fees, the Bureau should provide sufficient funds for the Hopi and Navajo tribes for the 1882 litigation, and for the Hopi, Navajo and San Juan Southern Paiute tribes for the 1934 litigation.

Based on materials provided by Sealaska Corporation, the Tlingit and Haida Central Council, the Alaska Federation of Natives, and other readily available documents including court decisions, the Secretary is directed to prepare a report detailing the historical evidence, if any, which may indicate whether the villages of Tenakee Springs, Haines, Wrangell, Ketchikan, and Petersburg were inadvertently **\*43** denied village or urban corporation status under the Alaska Native Claims Settlement Act.

The managers are aware of a difficult situation in the community of White Swan, WA, and request the Department to work with the Yakima Tribe and the Mount Adams School District to investigate alternates to respond to the pressing needs of this community.

Amendment No. 75: Restores House language stricken by the Senate, amended to provide the sum of \$248,152,000 in advance funding for school operation costs, instead of \$302,025,000 as provided by the House. The differences are decreases of \$42,695,000 which the House had proposed to provide for forward funding of all education programs in fiscal year 1992, \$2,000,000 for Education 2,000 grants, \$3,000,000 for institutionalized handicapped, and \$7,278,000 for technical support, and an increase of \$1,100,000 for the Indian school equalization program.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides \$75,912,000 for scholarships, vocational training and assistance to public schools instead of \$74,912,000 as proposed by the House and \$18,392,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase of \$1,000,000 over the House is to restore scholarship funding (tribe/agency) to the 1991 level.

Amendment No. 77: Restores language proposed by the House and stricken by the Senate which provides funds for higher education scholarships and assistance to public schools.

Amendment No. 78: Restores language proposed by the House and stricken by the Senate providing that grants authorized by the Indian Education Amendments of 1988 shall remain available until expended.

Amendment No. 79: Provides that \$2,021,000 for litigation support shall remain available until expended as proposed by the House instead of \$3,021,000 as proposed by the Senate.

Amendment No. 80: Provides that \$5,000,000 shall be made available for self-governance tribal compacts as proposed by the House instead of \$3,000,000 as proposed by the Senate.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language providing that the accounting of trust funds furnished to tribes or individual Indians will allow the beneficiary to determine whether there has been a loss.

Amendment No. 82: Restores House language stricken by the Senate which provides \$300,000 for a grant to the Close Up Foundation.

Amendment No. 83: Deletes House language which would have limited spending for the Federal Financial System in fiscal year 1992, as proposed by the Senate. The

managers have agreed to provide \$4,218,000 for this purpose, and expect reprogramming procedures to be followed if this amount is to be exceeded.

Amendment No. 84: Deletes House language prohibiting the use of funds to prepare a reprogramming proposal to reorganize the **\*44** Bureau of Indian Affairs until a task force has reported to the Committees on Appropriations, and prohibiting a reorganization under provisions of law, as proposed by the Senate. This issue is discussed further under Amendment No. 87.

Amendment No. 85: Deletes House language providing for deductions from timber sale receipts to remain available until expended.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: :  
Provided further, That until such time as legislation is enacted to the contrary, none of the funds appropriated in this or any other Act for the benefit of Indians residing within the jurisdictional service area of the Cherokee Nation of Oklahoma shall be expended by other than the Cherokee Nation, nor shall any funds be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without the consent of the Cherokee Nation

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to delete funding for the United Keetoowah Band of Cherokees in Oklahoma, and have included language providing that until such time as Congress enacts contrary legislation, Federal funds should not be provided to any group other than the Cherokee Nation, within the jurisdictional area of the Cherokee Nation.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: :  
Provided further, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: Provided further, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language that will allow the Task Force on Bureau of Indian Affairs Reorganization to continue its activities during fiscal year 1992, and to submit any reorganization proposals recommended by the Task Force after its review of such proposals to the Appropriations Committees for disposition. If the Bureau chooses to propose a reorganization that is related only to management improvements, such as in the areas of procurement, financial management, or data processing, the language will allow the Bureau to submit such a proposal to the Task Force for review **\*45** and comment, and then to submit the proposal, along with the Task Force comments or recommendations to the Appropriations Committees for review and disposition.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any funds provided in this Act that are to be included under a self-governance compact, with availability for more than one year, may be

reprogrammed to one year availability but shall remain available within the compact until expended.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: :  
Provided further, That within available funds \$100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: Provided further, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement: Provided further, That notwithstanding any other provision of law, \$150,000 shall be provided to the Blackfeet Tribe for a model trust department pilot program

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to make available \$100,000 to lease space in a facility to be constructed by the Nez Perce Tribe in Idaho, subject to GSA market survey findings, and to provide \$150,000 to the Blackfeet Tribe for a model trust department pilot program.

#### INDIAN EDUCATION PROGRAMS

Amendment No. 90: Deletes language proposed by the Senate which would have established a separate account for Indian education programs. These programs are continued within the Operation of Indian programs account.

#### CONSTRUCTION

Amendment No. 91: Appropriates \$213,163,000 for construction instead of \$219,856,000 as proposed by the House and \$106,735,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$667,000 for two juvenile detention facilities (Ute Mountain Ute and Chinle), \$300,000 from facilities improvement and repair, for a transfer to construction program management, \$2,500,000 for Ute Mountain Ute farm development, \$2,500,000 for the Navajo Indian Irrigation Project, \$500,000 to employee housing, and \$3,000,000 to road sealing; and increases of \$500,000 for the Tamgass Creek hatchery, \$1,000,000 for the Wind River irrigation project, \$500,000 for road maintenance, and \$774,000 for land acquisition, including \$716,000 for the Swinomish Tribe (McGlinn Island) and \$58,000 for San Carlos mineral strip acquisitions.

**\*46** The additional funds for road maintenance are for areas identified by the Bureau as high priority needs, including the Tohono O'odham. The Papago Agency base for fiscal year 1992 will be \$423,000 for road maintenance and \$380,000 for road sealing, as included in the BIA capability statement. Within the funds provided for employee housing, the Bureau should work with the Rough Rock and Black Mesa schools and Ramah Navajo tribe to meet their employee housing needs to the extent possible. The Bureau should work with the Chickasaw Nation to complete planning for a cultural resources center. The managers understand that other sources of funds will be sought for construction of such a center.

Funds have been provided to acquire in trust the property known as "McGlinn Island" located in Skagit County, WA for the Swinomish Tribal Community under the condition that it shall be preserved in its natural condition.

The managers have included funding, as discussed above, for planning and design of new schools, and funding for construction of new schools. In addition, a



significant increase is provided over the funding requested in the President's Budget for facilities improvement and repair. With respect to these funds, the managers agree:

1. Planning and design funding will be available for the top ten schools contained on the fiscal year priority list, to the extent that funds are available;
2. Schools on the fiscal year 1992 priority list not funded for planning and design in fiscal year 1992 will be funded for these purposes in fiscal year 1993;
3. The Department shall review applications and prepare a new school construction priority list for fiscal year 1993, with these schools eligible for planning and design and construction funding, subject to budget constraints, in fiscal year 1993 and beyond in addition to any remaining fiscal year 1992 schools;
4. The Department should continue efforts currently underway to revise the new school construction priority setting process, with an emphasis on tribal consultation, improving the objectivity of the selection process, instilling some continuity into the program and addressing how emergency needs will be handled;
5. New school construction funding is not earmarked for specific projects, but is to be made available upon completion of the necessary validations and planning and design, starting at the top of the fiscal year 1992 list and including Pyramid Lake;
6. To the extent the construction funds are insufficient to address the total costs associated with the projects directed by the managers, additional funds to complete these projects will be provided in fiscal year 1993 and the outyears;
7. At least \$250,000 is available to begin planning and design of the replacement school at Pyramid Lake, with construction funds to be consistent with items 5 and 6 above; and
8. Within funds provided for facilities improvement and repair, \$835,000 is available for interim safety improvements at the existing facility at Pyramid Lake, and \$310,000 is available for health and safety needs at the Navajo Academy.

The managers are aware of the apparent need for additional space at the Four Winds School on the Fort Totten reservation, \*47 and expect the school will participate in the revised priority setting process. The managers expect that the emergency replacement needs of the Second Mesa School will be reviewed as part of the priority-setting process discussed earlier.

The managers have not recommended any transfer at this time of the Old Tuba City Boarding School Building No. 78 pending the resolution of outstanding issues associated with the condition of the facility.

The managers expect the Department to submit expeditiously a reprogramming request to address the adequacy of space requirements for 300 students at Laguna Middle School.

Amendment No. 92: Rescinds \$7,000,000 as proposed by the House instead of \$3,000,000 as proposed by the Senate.

Amendment No. 93: Deletes language proposed by the Senate which would have made funds appropriated for the Wind River Irrigation Project in fiscal years 1990, 1991 and hereafter available on a non-reimbursable basis. The managers understand that there are questions as to whether the costs of the Wind River Irrigation Project should be non-reimbursable, and request that a report on the legal history of the project and its status be provided to the Committees by April 1, 1992.

#### EDUCATION CONSTRUCTION

Amendment No. 94: Deletes language proposed by the Senate which would have established a separate education construction account. The managers have included funding for education construction within the construction account.

## MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 95: Restores House language stricken by the Senate with an amendment providing that \$5,000,000 shall be made available under [Public Law 101-602](#) on September 30, 1992, instead of \$12,000,000 as proposed by the House. The language provides that certain amounts of three authorized Indian settlements will be made available on September 30, 1992. As discussed under amendment number 222, funds appropriated under this head will not be subject to any across-the-board reduction affecting this Act.

## MISCELLANEOUS PERMANENT APPROPRIATIONS

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that beginning on October 1, 1991 and thereafter, amounts collected in connection with the Alaska Resupply Program shall be deposited in a special fund in the Treasury and shall remain available until expended, and that unobligated amounts previously collected shall be transferred to this account.

## TERRITORIAL AND INTERNATIONAL AFFAIRS

## ADMINISTRATION OF TERRITORIES

Amendment No. 97: Appropriates \$93,477,000 for administration of territories instead of \$103,177,000 as proposed by the House and **\*48** \$74,150,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$200,000 for American Samoa operations, \$2,000,000 for American Samoa power improvements, \$8,000,000 for Virgin Islands hurricane recovery for schools, and \$1,000,000 for Compact impact on Guam and the Northern Mariana Islands; and increases of \$500,000 for the Northern Mariana Islands airport control tower, and \$1,000,000 under technical assistance for studies on Rongelap Atoll. Any additional funds needed to complete the Northern Mariana Islands airport control tower should come from local sources.

The balance of \$1,000,000 remaining for Compact impact assistance on Guam and the Northern Marianas Islands should be moved to the technical assistance line item and specifically earmarked for this purpose. The funds should be provided to these governments based on information provided as to how the funds will be used to offset the increased impacts on education and social services as a result of increased immigration from the Freely Associated States. The provision of these funds is not intended to preclude additional technical assistance related to Compact impact, where appropriate. The Department is to report by April 1, 1992 on options to institutionalize future Compact impact assistance.

Within the \$500,000 provided for the brown tree snake program, \$100,000 is to be provided for training of beagles on Hawaii. The balance of the funding is for additional research and control activities, as included in the brown tree snake program plan.

The managers expect the American Samoa government to submit a plan for improving its financial management and accountability, which will be considered along with future requests for increased operations funding.

The managers have included \$1,000,000 for additional studies on Rongelap Atoll, to be provided through the technical assistance line item. These studies are to be carried out in accordance with the plan recently agreed to by the Republic of the Marshall Islands, the Rongelap Atoll local government, the Department of Energy and

the Department of the Interior. Additional funding needs for the studies will be reviewed in the future.

Amendment No. 98: Provides \$89,447,000 for technical assistance, maintenance assistance and grants instead of \$99,194,000 as proposed by the House and \$69,847,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of the same items discussed under Amendment No. 97.

Amendment No. 99: Restores language proposed by the House and stricken by the Senate making funds available for brown tree snake control and research.

Amendment No. 100: Provides \$4,030,000 for the Office of Territorial and International Affairs rather than \$3,983,000 as proposed by the House and \$4,303,000 as proposed by the Senate. The increase over the amount proposed by the House is \$47,000 to restore funds for pay costs and administrative efficiencies.

The reprogramming proposal to establish a Pacific Operations center, dated August 23, 1991, is not agreed to.

#### **\*49 TRUST TERRITORY OF THE PACIFIC ISLANDS**

Amendment No. 101: Appropriates \$24,451,000 for the Trust Territory instead of \$27,951,000 as proposed by the House and \$22,451,000 as proposed by the Senate. The increase over the amount proposed by the Senate is \$2,000,000 for additional high priority water and sewer projects in the Republic of Palau.

Amendment No. 102: Deletes House language which would have provided for Palau operations grant funds to be expended as determined by the Government of Palau, as proposed by the Senate.

In order to provide for an open and timely consideration by all interested parties in the matter of the financial program of the Palau government, the managers expect the following: For fiscal year 1992, as soon as possible upon enactment of appropriations for the Department of the Interior and Related Agencies, Palau should adopt and submit to the Department a unified national budget with separate delineation of Federal and local funds. Within 20 days, the Department will notify Palau and the authorizing and appropriating committees of the U.S. Congress of any concerns regarding that budget, and clearly identify why any portions are inconsistent with the Secretary's trusteeship responsibilities. If concerns are raised and resolution not reached within thirty days of the initial notification, the Secretary shall submit Palau's proposal as a reprogramming without change by the Administration. In addition, the Department should include with any such transmittal an identification of those concerns which relate significantly to the trusteeship responsibility. The managers wish to reiterate that self-government for Palau means local decision-making. The Department should not second-guess decisions primarily local in nature. Decisions regarding operations of the Government of Palau are not to be decided by the Department. The principal point of the Secretary's review should be to ensure that the trusteeship responsibility is fulfilled.

The Appropriations Committees of the House and Senate will review Palau's reprogramming consistent with the reprogramming guidelines established by the Committees. If no action is taken within thirty days and an extension not requested, Palau's proposal will take effect. If the Department fails to abide by this procedural framework in the coming fiscal year, restrictive language will be included in the fiscal year 1993 appropriations Act.

With respect to the Palau operations grant in fiscal year 1993, Palau should submit its proposed expenditure of Federal funds and allow for Department of the Interior review. The Palau proposal and any Interior comments thereto should be forwarded to the Appropriations Committees within thirty days of the President's budget submission. Palau will then have an opportunity to review the Department's

comments, and submit an official response in the context of the hearings on the fiscal year 1993 budget. Congress will then be able to make any decisions it believes appropriate, and include specific direction to be followed, if any, in the appropriations Act or accompanying report.

#### **\*50 COMPACT OF FREE ASSOCIATION**

Amendment No. 103: Appropriates \$25,010,000 for the Compact of Free Association as proposed by the Senate instead of \$26,010,000 as proposed by the House. The decrease of \$1,000,000 from the amount proposed by the House is for studies on Rongelap Atoll, which have been provided under the Administration of territories account, as discussed under Amendment No. 97.

Amendment No. 104: Strikes House language providing funding for the relocation and resettlement of the people of Rongelap as proposed by the Senate.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: :  
Provided further, That \$2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: Provided further, That such funds shall remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: Provided further, That the Government of the Republic of the Marshall Islands and the Rongelap Local Government Council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the Section 177 Agreement (pursuant to [Section 177 of Public Law 99-239](#)) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap fund not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of \$250,000,000, subject only to the disapproval of the Secretary of the Interior: Provided further, That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap and for projects on Mejjatto: Provided further, That the Secretary may approve expenditures of up to \$500,000 in fiscal year 1992 for projects of Mejjatto benefitting the people of Rongelap presently residing on the island of Mejjatto: Provided further, That after fiscal year 1992, such projects on Mejjatto benefitting the people of Rongelap may be funded only from the interest and earnings generated by the trust fund corpus: Provided further, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: Provided further, That the Governments of the United States and the Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

**\*51** The managers have revised the language included in the House and Senate bills, to clarify the provision of \$2,000,000 for the relocation and resettlement of the people of Rongelap on Rongelap Atoll. Of the amount provided, up to \$500,000 may be made available in fiscal year 1992 for projects on Mejjatto island.

OFFICE OF THE SECRETARY

Amendment No. 106: Appropriates \$64,445,000 for the Office of the Secretary instead of \$66,414,000 as proposed by the House and \$58,428,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

#### OFFICE OF THE SOLICITOR

Amendment No. 107: Appropriates \$31,525,000 for the Office of the Solicitor instead of \$30,525,000 as proposed by the House and \$31,902,000 as proposed by the Senate. The increase over the House reflects a general reduction of \$2,951,000 instead of \$3,951,000 as proposed by the House. The managers agree that within the \*52 amount available there is a \$300,000 increase for Alaska operations.

#### OFFICE OF INSPECTOR GENERAL

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$24,044,000 for the Office of Inspector General instead of \$24,244,000 as proposed by the House and \$25,518,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The change to the House position increases the general reduction from \$705,000 to \$905,000.

#### NATIONAL INDIAN GAMING COMMISSION

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:  
\$2,190,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates \$2,190,000 for the National Indian Gaming Commission instead of \$1,890,000, subject to authorization, as proposed by the House and \$2,490,000, as proposed by the Senate. The managers understand that a one-year extension of authorization will be enacted into law in the near future.

#### OIL SPILL EMERGENCY FUND

Amendment No. 110: Appropriates \$3,900,000 for the Oil Spill Emergency Fund as proposed by the House instead of deleting the account as proposed by the Senate.

The managers agree that not less than \$1,065,000 is for the National Park Service.

#### ADMINISTRATIVE PROVISIONS

#### OFFICE OF AIRCRAFT SERVICES

The managers direct the Office of Aircraft Services to evaluate the feasibility of allowing the Ohio Department of Natural Resources (ODNR), Division of Wildlife Aircraft to participate in the Department of the Interior's Office of Aircraft Services Aviation Management System. The specific concerns that should be addressed cover many operational areas, including but not limited to: a) aircraft operations standards; b) ability of Ohio to bill DOI for maintenance work performed in the Ohio aircraft maintenance facility; c) ability of Ohio to pay DOI for all aircraft operations costs; and d) liability issues involved when DOI is scheduling and accomplishing routine maintenance on ODNR aircraft. If it is determined that both parties are committed to the arrangement, the managers \*53 request the Department to report on the appropriate implementing mechanism.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which designates all funds used by the Secretary for emergency purposes under this general authority as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no such provision.

Amendment No. 112: Restores House language stricken by the Senate which limits the Secretary of the Interior's use of emergency authorities with regard to emergency rehabilitation and wildfire suppression activities.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which designates all funds used by the Secretary for emergency purposes under this general authority as "emergency requirements" pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The House had no such provision.

Amendment No. 114: Deletes House proposed language prohibiting use of funds in the Act to rename Mount McKinley.

Amendment Nos. 115-120: Change section numbers as proposed by the Senate.

Amendment No. 121: Restores House language stricken by the Senate which pertains to the management of Matagorda Island, Texas, amended to change the section numbers.

Amendment Nos. 122-123: Change House and Senate proposed section numbers.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 117. [Section 105 of Public Law 100-675](#) is hereby amended by adding the following new subsection:

"(c) Authority To Disburse Interest Income From the San Luis Rey Tribal Development Fund.-Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the 'Authority', funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the 'Fund'. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 17, 1991."

\*54 The managers on the part of the Senate will move to concur in the amendment

of the House to the amendment of the Senate.

The amendment amends [Public Law 100-675](#) to provide authority for disbursing interest income from the San Luis Rey tribal development fund established by that law and changes the section number proposed by the Senate. The funds will be used only to assist the San Luis Rey Indian Water Authority in administering the settlement, and no funds will be distributed to bands or members of bands not directly associated with the Authority.

Amendment No. 125: Deletes Senate proposed bill language requesting a report on restoration of certain Native American murals in the Department of the Interior building. The managers agree that within 60 days of enactment of this Act, a report from the Secretary of the Interior in consultation with the Administrator of General Services on actions to restore and protect the murals mentioned in the Senate amendment is still required.

Amendment No. 126: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first section number named in said amendment insert: 118

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment extends the time available for the Secretary of the Interior to approve the extension of the Blackstone Commission and changes the section number proposed by the Senate.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 119. None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 ([Public Law 102-104](#)) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

Sec. 120. (a) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (H.R. 2608), is amended as follows:

(1) The third paragraph in title I (under the headings "Justice Assistance" and "Office of Justice Programs" within amounts for the Department of Justice) is amended by striking out the period at the end and inserting in lieu thereof ": Provided, That of the \$76,000,000 appropriated herein, \$4,000,000 shall be derived from deobligated funds previously awarded under part B and subparts I and II of part C of title II of said Act.".

(2) The paragraph in title I under the heading "Salaries and Expenses" under the heading "Federal Communications Commission" is amended by striking out "For total obligations" and inserting in lieu thereof "For necessary expenses".

**\*55** (3) The paragraph in title IV under the heading "Payment to the Legal Services Corporation" under the heading "Legal Services Corporation" is amended by inserting ", coordinated through the national Legal Services Corporation," in the proviso after "such Institutes".

(b) The amendments made by subsection (a) shall take effect as if included in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, on the date of the enactment of such Act.

And on page 91, line 7 of the House engrossed bill, **H.R. 2686**, strike "22" and insert "15".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment prohibits funds in the Energy and Water Appropriations Act from

being used to implement an Army Corps of Engineers proposed rule on ability to pay and changes the section number proposed by the Senate.

The amendment also adds new language, not included in either the House or Senate bills, which makes technical corrections to H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, as approved by the House and Senate, as follows:

First, a provision agreed to by the conferees to H.R. 2608 was included in the conference agreement but inadvertently left out of the final bill. Exclusion of this provision results in the bill being scored \$833,000 in outlays above the amounts assumed in the conference agreement. Inclusion of this provision in this amendment will bring H.R. 2608 back within its 602(b) allocations.

Second, corrects language in H.R. 2608, under the Federal Communications Commission (FCC), which inadvertently provides an overall obligation limitation on the FCC. This change should have been made when the conferees on H.R. 2608 decided not to accept the Administration's FCC fee proposal.

Third, clarifies the intent of the conferees on H.R. 2608 concerning the awarding of a grant for a National Resource and Training Center under the Legal Services Corporation (LSC). The language clarifies that preference should be given to a university which has hosted National Trial Advocacy Institutes coordinated through the national Legal Services Corporation office.

Finally, the amendment changes the allowable percentage of increase for Forest Service and Bureau of Land Management communication site fees to not more than 15 percent in fiscal year 1992 instead of 22 percent in the House engrossed bill.

The managers have agreed to change the maximum per centum amount by which communication site fees may be increased in final year 1992, which is contained in Sec. 314, from 22 percent included in the House bill, to 15 percent.

The managers are concerned that previous agency efforts to establish an acceptable methodology for communication site reappraisals have been unsuccessful. The managers therefore direct the Forest Service and the Bureau of Land Management to jointly establish a broad-based advisory group comprised of representatives from the broadcast industry (users of both private and public communication sites) and the two agencies to review recommendations \*56 on acceptable criteria for determining fair market values and next best alternative use. The advisory group shall review the methodology used in the study previously mandated and reach concurrence on such methodology. The advisory group shall also assess the validity of the results of such studies, taking into account all reasonable options for the establishment of fair market values and next best alternative use. Finally, the advisory group shall take into account appropriate fee waivers or reductions for public service by communication site users who provide for the public convenience, interest, and necessity as required for licensing under the Communications Act of 1934.

The advisory group shall report its findings to the Senate and House Committees on Appropriations no later than May 1, 1992.

## TITLE II-RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE-FOREST SERVICE

#### FOREST RESEARCH

Amendment No. 128: Appropriates \$182,812,000 for forest research instead of \$183,572,000 as proposed by the House and \$176,850,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of



\$380,000 for forest protection research and \$1,375,000 for forest environment research; and increases of \$357,000 for resource analysis research, \$283,000 for forest management research and \$355,000 for forest products and harvesting research.

In forest protection research, there are increases of \$350,000 for Lincoln, NE, which is to be used for the highest priority research activities, which could include initiation of the Center for Semiarid Agroforestry; \$100,000 for Moscow, ID; and \$50,000 for Juneau, AK; and decreases of \$200,000 for Corvallis, OR (new perspectives), \$80,000 for Athens, GA (tree health), \$140,000 for Macon, GA, \$100,000 for Berkeley, CA, \$160,000 for Honolulu, \$100,000 for Hamden, CT, and \$100,000 for the Blue Mountain Institute, OR.

The managers agree that the \$1,000,000 provided for bark beetle research is not earmarked but is to be directed where the impacts are the most severe throughout the West.

For resource analysis research, the increase of \$357,000 consists of decreases of \$100,000 for Riverside, CA, \$100,000 for Syracuse (recreation research), \$50,000 for Fort Collins, and \$100,000 for Davis, CA; and increases of \$50,000 for St. Paul, including an increase of \$200,000 for inventory and a decrease of \$150,000 for the Lake States regional analysis, \$157,000 for Albuquerque and \$200,000 for Anchorage. There is also an increase of \$300,000 for Fort Collins for a southwestern forestry study, which had been included by the Senate under forest management research.

Under forest management research, there are decreases of \$40,000 for Burlington, \$300,000 for Pacific Yew research at Corvallis/Olympia, leaving \$300,000, \$75,000 for Grand Rapids, MN, \$200,000 for Gainesville, FL, and \$450,000 for new perspectives research; and increases of \$400,000 for Monticello, AR, \$50,000 for Morgantown, \$273,000 for Moscow, \$350,000 for New Orleans, \$75,000 for Parsons, WV, and \$200,000 for Research Triangle Park, \*57 NC. A total of \$2,950,000 is provided for new perspectives research, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

With regard to the funds provided for the Olympic Natural Resources Center, the Center is to select the projects for which the funds will be used, but in coordination with the balance of the new perspectives program. The Forest Service should provide a proposed distribution of the unallocated funds within 90 days of enactment.

The decrease of \$1,375,000 for forest environment research includes decreases of \$100,000 to Corvallis (steelhead and salmon), \$250,000 to Clemson, including \$50,000 to threatened and endangered plants and \$200,000 to neotropical migratory birds, \$200,000 to Tempe, including \$100,000 each for habitat research and neotropical migratory birds, \$50,000 to Logan, UT, \$225,000 to Rio Piedras, including \$125,000 for tropical research and \$100,000 for neotropical migratory birds, \$100,000 to Missoula/Boise (salmon and grizzly bear), \$150,000 to new perspectives, including \$100,000 at Olympia and \$50,000 at Seattle, \$100,000 to Rapid City, \$300,000 to Raleigh, NC; and an increase of \$100,000 at Laramie, WY for neotropical migratory birds.

The increase of \$355,000 for forest products and harvesting research includes decreases of \$150,000 at Houghton for pallet recycling, \$200,000 at Portland for new perspectives, \$45,000 at Asheville for pallet recycling; and increases of \$150,000 at Juneau, AK, \$100,000 at Princeton, and a net increase of \$500,000 at Madison, as follows: increases of \$500,000 for timber bridge research and \$450,000 for recycling, and decreases of \$50,000 for Pacific Yew and \$400,000 to research work units with budgeted increases. Within the timber bridge funds, at least \$250,000 shall be made available to West Virginia University.

## STATE AND PRIVATE FORESTRY

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$184,107,000 for State and private forestry instead of \$205,041,000 as proposed by the House and \$199,332,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The decrease from the amount proposed by the House includes increases of \$8,000,000 for Appalachian integrated pest management, \$300,000 under fire protection for field management, training and technical assistance in South Carolina, and \$7,050,000 for special projects; and decreases of \$8,484,000 to transfer cooperative law enforcement back to the National forest system account, and \$27,800,000 for forest management and utilization, \*58 which includes decreases of \$300,000 for forest resource management, \$6,500,000 for forest stewardship, \$15,000,000 for stewardship incentives/tree planting, \$8,000,000 for urban forestry, and \$5,000,000 for economic recovery; and increases of \$3,000,000 for reforestation in South Carolina and \$4,000,000 for rural development in the Northeast and Midwest. The increase of \$7,050,000 for special projects includes increases of \$1,250,000 for northern forest lands, \$4,500,000 for the Hardwoods Training and Flexible Manufacturing Center, WV, \$5,000,000 for the Forest Legacy program, and \$550,000 for a grant to Berkeley County, SC, and decreases of \$250,000 for the Gifford Pinchot Center and \$4,000,000 for tropical forestry.

The \$500,000 included in forest pest management for the bark beetle initiative is not earmarked to any specific region, but is to be directed to where the need is greatest. Within urban forestry, the following amounts are earmarked: \$1,000,000 for Chicago, \$500,000 for the Ohio Arbor program, \$100,000 for Tacoma, WA, \$50,000 for Bremerton, WA, \$50,000 for Port Orchard, WA, \$500,000 for the cooperative demonstration project in northern New Jersey, \$500,000 for Atlanta, and \$250,000 for Grand Forks, ND. There is also an earmark of \$500,000 for the Ohio Arbor program within the stewardship incentives/tree planting program. Within forest resource management, there is \$200,000 for the Chesapeake Bay program. Under special projects, \$2,000,000 is provided for grants to the Washington State Office of Trade and Economic Development and the Oregon Economic Development Department for projects to diversify western Oregon and Washington timber dependent communities. The funds are to be matched on a 50/50 basis by each State. In considering its use of the funds provided herein to encourage economic diversification, the Oregon Economic Development Department should give consideration to various proposals for improved utilization of red alder and demonstration projects regarding value-added wood products manufacturing. Within the tropical forestry initiative, the composition of the funding should be adjusted to continue providing historic proportional shares to Africa, Asia, and other parts of the world, as well as Latin America and the Caribbean. The Forest Service is expected to allocate \$175,000 from within forest resource management funds for coordination and liaison work with the Northern Forest Lands Council and to continue funding for this effort in the base program. Of the funds provided for the northern forest lands project, \$450,000 is for support of the Council, including \$250,000 for the council and \$50,000 for each State, and the balance is to begin research, inventory and resource identification.

With regard to plans under the forest stewardship program, existing plans may be used if they meet the requirements of the stewardship program or can be modified to do so.

Within the funds provided for economic diversification studies, there is \$30,250

for the Trico housing panel project, and \$30,000 for a tourboat/train diversification project, both in the State of Washington.

The Forest Service should report on the need for and feasibility of establishing greenhouse and seed orchard capacity in interior and southcentral Alaska for reforestation and forest enhancement. \*59 The Forest Service should look at requirements for Federal lands in Alaska, and how such a program would meet their requirements. As part of its feasibility assessment, the Forest Service should work with other agencies in considering the requirements of a development plan for such facilities. The capabilities of the other agencies should be integrated into any such comprehensive plan. It is the managers' understanding that such facilities would service Federal lands only.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available a grant of \$4,500,000 to Mercer County, West Virginia for a hardwood training and flexible manufacturing center.

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: : Provided further, That a grant of \$550,000 shall be available to Berkeley County, South Carolina

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment deletes language proposed by the Senate which would have provided \$250,000 for a Snow Science Center at Alta, UT, and adds language which provides a one-time grant to Berkeley County, SC to assist in an orderly transition due to reduce timber receipt payments as a result of timber blowdown during Hurricane Hugo. Payments to this county are declining as a result of a significantly reduced timber program, and the county should plan accordingly for this situation, which will likely last for many years.

Amendment No. 132: Deletes language proposed by the Senate which would have made \$5,000,000 available for the Morris K. Udall Foundation, subject to authorization. Funding for the Udall Foundation has been included under the Indian Health Service. The managers agree that funding will be considered for a Silvio O. Conte Foundation, when such a foundation has been authorized.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: : Provided further, That \$5,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by [section 1217 of Public Law 101-624](#), the Food, Agriculture, Conservation and Trade Act of 1990: Provided further, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have provided \$5,000,000 in initial funding for the Forest Legacy program, with language prohibiting commitments \*60 beyond the \$5,000,000 provided. In New York State, any political subdivision must agree to include itself, in order to participate in the Forest Legacy program. A subdivision is defined as a village, city, town or county.

Upon completion of a needs assessment study and approval by the Secretary of Agriculture, Massachusetts shall be eligible to receive funding provided for the

Forest Legacy program in fiscal year 1992.

#### NATIONAL FOREST SYSTEM

Amendment No. 134: Appropriates \$1,359,662,000 for the national forest system instead of \$1,280,947,000 as proposed by the House and \$1,379,605,000 as proposed by the Senate. The net increase from the amount proposed by the House consists of increases of \$8,484,000 for cooperative law enforcement to restore funds proposed to be transferred to State and private forestry; \$86,987,000 for road maintenance, to restore funds proposed to be transferred to the construction account, and to restore the budget request level; \$5,184,000 for timber sales, including \$184,000 for inventory and \$5,000,000 for harvest administration; and \$1,625,000 for general administration, including \$1,375,000 for Tongass and \$250,000 for public affairs; and decreases of \$1,098,000 for minerals; \$1,163,000 for real estate management; \$601,000 for landline location, partially related to the timber program; \$200,000 for national forest system drug control; \$1,000,000 for trail maintenance, leaving a general increase of \$4,000,000 and an increase of \$500,000 for Washington flood recovery; \$1,000,000 for reforestation and stand improvement; \$14,961,000 for recreation use; \$300,000 for wildlife and fish habitat; \$1,600,000 for range management; and \$1,642,000 for soil, water and air management.

The managers agree that the reductions for minerals and real estate management are to apply to all of the expanded budget line items for these categories. Within minerals, the reduction is to be applied in such a manner as to limit the increase over the base amount to roughly half that requested in the budget. For real estate management, the total reduction of \$2,163,000 is to be spread as follows: \$825,000 for land exchanges, \$500,000 for special uses, and \$838,000 for geometronics.

The funding decrease for reforestation includes a reduction of \$600,000 for the joint Forest Service/National Cancer Institute study, and a decrease of \$400,000 for timber stand improvement. The net change to the budget request for timber stand improvement is to be applied nationally, since the managers agree that no specific reductions in any budget activity will be directed at the Tongass National Forest. Funding for the Tongass National Forest is to be treated as any other national forest. General increases will go to the Tongass, and so will general decreases. With respect to the Pacific Yew, the Forest Service should designate at least one person in each National Forest where the Pacific Yew is found to coordinate Pacific Yew issues. The Regional Forester in each region where the Pacific Yew is a significant resource should be responsible for ensuring the Pacific Yew is raised as a critical issue when timber sales are planned, and to ensure full utilization of the \*61 Pacific Yew, with little or no waste. The Forest Service should develop a strategy for ensuring a sustainable supply of Pacific Yew for the medical community with the least possible environmental impact, and should publish the strategy as soon as possible for implementation during fiscal year 1992.

The decrease in recreation use includes reductions of \$321,000 below the House level for timber support; \$10,000,000 for recreation management, with no earmarks, other than those identified below; \$4,000,000 for wilderness management; and \$640,000 for cultural resources management. Within wildlife and fish habitat, the net change from the House recommendation includes decreases of \$2,000,000 for neotropical migratory birds, \$750,000 for Eyes on Wildlife, and \$2,000,000 for threatened and endangered species, and increases of \$1,750,000 as a general increase for the wildlife management program, to be allocated to all wildlife programs, including Eyes on Wildlife; \$200,000 for timber support; and \$2,500,000 for anadromous fish. The decrease below the House within the soil, water and air program includes reductions of \$642,000 for operations and \$1,200,000 for improvements, which leaves an increase of \$1,500,000 for Washington flood repair,

and an increase of \$200,000 for inventories. The funds for threatened and endangered species are not earmarked for specific programs, but the Forest Service should address needs in the areas of new listings, plants, fish, and the Rocky Mountain wolf.

The managers agree that within the funding recommended, the following amounts shall be available: \$400,000 in road maintenance for the Monongahela National Forest; \$100,000 within trail maintenance for the Shawnee National Forest; in recreation management, \$500,000 for wild and scenic rivers planning in Oregon, \$150,000 for the Shawnee National Forest, \$200,000 for Skagit River management, \$500,000 for the Columbia River Gorge National Scenic Area management plan, and \$150,000 for a feasibility study regarding a reservoir on the Homochitto National Forest; in wildlife management, \$100,000 for the black bear study on the Green Mountain National Forest and \$90,000 for a wolverine study on the Sawtooth National Recreation Area; \$150,000 in inland fish management for the Monongahela National Forest; \$5,000,000 within anadromous fish for "Salmon Summit" related activities in regions 1, 4, and 6; \$150,000 within wildlife and fish habitat for the Shawnee National Forest; and \$250,000 for soil, water and air on the Monongahela National Forest. Within the funds provided for timber sales, the Forest Service should allocate additional funds needed to replace fiscal year 1991 timber preparation funds on the Tongass that were expended to rework existing sales into conformance with the new authorizing legislation. Also within timber, \$250,000 is available to begin an assessment by the National Research Council of the status of the biological and hydrological resources of the forests in the Pacific Northwest and the relationship of those forests to supply and demand for forest products in other regions of the country. No specific funds are earmarked beyond the items identified in the statement of the managers. The managers have provided funding for "Salmon Summit" activities under the anadromous fish category, but if higher priority needs related to accomplishing the Columbia \*62 Basin salmon plan exist in other line-items, the Forest Service should reprogram, consistent with the guidelines.

The managers agree that the timber sale program is facing a great deal of uncertainty in fiscal year 1992. The Chief's letter of October 1, 1991 regarding fiscal year 1992 capabilities reiterated that the Forest Service is "... committed to implementing the forest plans, making sure that all projects are implemented consistent with the Forest plan standards and guidelines." The managers agree and expect standards and guidelines to be followed in carrying out the programs funded in this bill. The proposed structuring of the timber sales program allows for flexibility in conducting the program. Specific sales offer volumes are not specified by region in the bill. A range for sales preparation is provided in this statement, with the understanding that as sales preparation activities are completed, timber is expected to be offered for sale. The funding recommended by the managers is consistent with the high range for levels. The estimated program capability is to be determined by on the ground conditions, and may result in actual outputs different from those included in this statement. The managers agree, however, that the need for flexibility is accompanied by an equally strong need for accountability in the conduct of the program and the expenditure of funds.

As requested by the House, the Forest Service is to report monthly on the regional and national status of the timber sales preparation and offer program. This report shall include, at a minimum, information about volume prepared and offered for sale, both new and salvage sales; pipeline accomplishments through Gates 2 and 3, with clear identification of the changes from month to month; information on timber program staffing and costs (including support costs); information on any downsizing of the organization and associated costs; and details on program activities funded out of the salvage fund. In addition, any changes to the scope of the program during the year should be reported to the Committees.

Based on information provided by the Forest Service regarding timber sale preparation capability, the following distribution for the timber program in fiscal year 1992 is assumed:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The volume in the fiscal year 1992 President's budget for Region 1 was 940 million board feet. Recently, the Forest Service indicated that less than this amount was likely to be prepared due to appeals and litigation in the region, and other factors. In the event that appeals and litigation and other issues are resolved, additional volume may be prepared, subject to the availability of funds. This \*63 volume of timber does not include the timber in the fiscal year 1991 timber sale program that was funded to be offered, but was not offered in fiscal year 1991. It is the expectation of the managers this volume will be made available for sale in fiscal year 1992, to the extent possible.

The managers direct the Forest Service to submit a reprogramming to make available all funds in fiscal year 1992 not utilized for sales preparation activities in Region 6, for the purpose of expanding employment opportunities in that Region, particularly in those areas which have been adversely affected by the reduction of the timber sales program due to the Spotted Owl and other impacts. Activities supported by these funds shall include trail maintenance, timber stand improvement, campground improvement, and recreation site improvement.

In addition to the current year timber program, the managers have continued the pipeline initiative begun in previous years. Recognizing that some regions and forests have a greater degree of stability and certainty in their timber sales program, the managers recommend \$20,000,000 for the pipeline. By December 1, 1991, the Forest Service should report to the Committees regarding the proposed distribution of funds and anticipated accomplishment through gates 2 and 3 for the pipeline initiative, by region. In reaching these decisions, the managers expect the Forest Service to take into account the prospects for clearing sales through the various gates in the timber sales preparation process, so that the pipeline may begin to fill up. The proposed distribution should consider existing pipeline levels, relative certainty of the timber base, market demand, meeting all legal requirements, and the need for advance work, such as road construction. For example, if greater certainty exists in Region 10 due to the passage of the Tongass Timber Reform Act and the completion of a new land management plan for the Tongass, then funds should be allocated accordingly. The managers also agree that if the Forest Service believes it has additional capacity to complete pipeline activities in fiscal year 1992 after the \$20,000,000 is spent, the Forest Service should notify the Committees.

Given the lengthy drought in the West and increases in the amount of dead and dying timber, the managers are concerned that the Forest Service has not placed as much emphasis on the salvage of this timber as is needed. The managers urge the Forest Service to pursue a timber salvage program which will allow for the removal of maximum salvage volumes while protecting the full range of environmental values. The Forest Service is directed to develop a report which will assess volumes and locations of dead and dying timber in Oregon, Washington, and California and a 5 year timber salvage plan to accelerate timber salvage operations. The Forest Service shall submit the accelerated timber salvage report to the House and Senate Committees on Appropriations for consideration along with the President's fiscal year 1993 budget submission.

The managers further direct the Forest Service to proceed with implementation of the "Blue Mountains Forest Health Report Summary and Recommendations" for Region 6, to the fullest extent possible, in conjunction with the accelerated timber salvage program.

**\*64** The managers expect the Forest Service to continue efforts underway to reduce below-cost sales. The Forest Service should work with the GAO on the feasibility and associated costs of developing an exceptions policy for significant below-cost sales on forests that would otherwise be above cost, and report by March 1, 1992. In considering various alternatives or proposed changes to the proposed below-cost policy, the Forest Service should include an analysis of the associated costs. In addition, prior to the fiscal year 1993 hearing, the Forest Service should analyze the possibility of including information regarding desired future condition and the cost alternatives to achieve it as a part of TSPIRS, and report on the cost of including such information. The Forest Service should continue the efforts underway to identify the basis for any proposed minimum bid rate. The managers do not direct implementation of such a rate at this time since the Forest Service anticipates having a plan and timetable for development of a minimum bid rate by February 1, 1992. The plan and timetable should then be submitted to the Committees, and be made available for public notice and comment at that time.

The managers expect the Forest Service to submit the requested reports regarding changes to timber sale contracts designed to improve the government's financial security. Changes to the downpayment provisions are not recommended herein pending completion of the ongoing public notice and comment period. The managers will expect the Forest Service to continue its efforts to complete this process, and will expect a progress report prior to the fiscal year 1993 appropriations hearings. The Committees may revisit this issue next year if an impasse prevents any proposed changes from proceeding.

As requested by the House, as soon as the formal documentation called for by the Mitre study on the geographic information system is completed, the Forest Service should submit all such documentation to the Committees and to GAO, for review and comment prior to releasing the request for proposals for the GIS system.

Specific funding for the implementation of new perspectives demonstration projects is not identified, since the Forest Service estimated that it planned more activity than identified by the Senate. Within the new perspectives program, however, the managers expect the Forest Service to distribute funds in a manner consistent with the Chief's intention to include some forests such as the Ouachita National Forest as demonstration sites.

The managers direct the Forest Service to conduct a feasibility study on the establishment of a Supervisor's Office for the Wayne National Forest, Ohio. The Wayne has grown from 178,000 acres to more than 200,000 acres in the past several years and continues to grow. The current Forest Plan projects that the Wayne will exceed 322,000 acres.

National forest management is more complex today due to changed societal values and demands than when the management structure for the Wayne National Forest was established. The political and economic climate, social culture, historical and current land use patterns, and public demands are significantly different than those associated with management of the Hoosier National Forest. A Supervisor's office may better serve the public and enhance **\*65** management of the Wayne National Forest in a cost efficient manner.

Establishing a fully staffed Supervisor's office may not be necessary. Some shared staff functions may best continue to be centralized at one location to avoid duplication of skills and expertise and to save costs. The study should include an analysis of the projected costs and benefits and recommendations on procedures for establishing a Supervisor's office for the Wayne NF.

The managers have restored part of the reduction proposed by the House for public affairs. The reduction is associated with the need to bring the size of the public affairs organization of the Forest Service more in line with the size of the public affairs function of other agencies funded in the bill.

The managers are aware of serious maintenance problems at a number of water storage reservoirs within wilderness areas in Montana, such as the Big Creek Dam and reservoir on the Selway-Bitterroot Wilderness. The managers expect the Forest Service to proceed with maintenance and repair of these reservoirs as expeditiously as possible, and understand that the Forest Service may use the authorities contained in section 1133(d) (4) of the Wilderness Act if it determines them to be necessary.

Amendment No. 135: Modifies House language, stricken by the Senate, to reduce the earmark for wilderness management to \$26,968,000, instead of \$30,968,000 as proposed by the House.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends the availability of funds in the National Forest System account until September 30, 1993.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: :  
Provided further, That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume to the extent possible: Provided further, That within available funds, up to \$238,000 shall be available for a cooperative agreement with Alabama A&M University

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides that unsold fiscal year 1991 timber volume shall be offered for sale during fiscal year 1992 to the extent possible, and allows the use of \$238,000 for a cooperative agreement with Alabama A&M University.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that up to \$5,000,000 of the funds provided for road maintenance may be used for the planned obliteration of roads that are no longer needed.

**\*66** Amendment No. 139: Deletes language proposed by the Senate which would have prohibited the Forest Service from establishing a timber sale offer volume different from that stated by the Committee without advance approval of the Committee.

#### FOREST SERVICE FIREFIGHTING

Amendment No. 140: Appropriates \$189,803,000 as proposed by the House instead of \$302,203,000 as proposed by the Senate. Additional funding for firefighting is addressed under Amendment No. 142.

The managers have not earmarked any specific funds within the firefighting accounts. Beetle outbreaks plague the western United States, from California north to Alaska. The managers expect the Forest Service to conduct presuppression activities commensurate with the potential threats caused by this outbreak, including the need for fuels treatment in the Kenai Peninsula, Chugach National Forest.

Amendment No. 141: Deletes language proposed by the Senate which would have provided that funds needed for emergency firefighting in excess of \$112,000,000 shall be designated as "emergency requirements."

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the



Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read of the Senate with an amendment as follows:

#### EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, \$112,000,000. to remain available until expended: Provided, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores the House proposed appropriation of \$112,000,000 for emergency firefighting and includes a Congressional designation of an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment deletes language requiring a similar Presidential designation in order to spend the funds. Language is also included specifying that in future years only amounts in excess of a ten-year average for emergency firefighting costs will be considered "emergency requirements" under the Act.

#### \*67 CONSTRUCTION

Amendment No. 143: Appropriates \$275,178,000 for construction rather than \$350,420,000 as proposed by the House and \$265,545,000 as proposed by the Senate. The net decrease from the level recommended by the House consists of an increase of \$3,482,000 for facilities construction, and decreases of \$1,537,000 for road construction, \$76,987,000 for road maintenance, which is funded out of the National Forest System account, and \$200,000 for trail construction of the Pinhoti trail on the Talladega National Forest.

The increase for facilities construction consists of increases of \$1,240,000 for the Monongahela National Forest, \$295,000 for the Kisatchie NF, \$436,000 for Trout Pond in the George Washington National Forest, \$1,095,000 for the Winding Stair National Recreation Area, \$300,000 for Hilltop campground, Toiyabe NF, \$100,000 for Arizona recreation facilities, \$1,500,000 for the Ketchikan visitors center, \$140,000 for White River access, Vermont, \$250,000 for rehabilitation of Snow Bunny Lodge, Mount Hood NF, and \$2,612,000 for Mount St. Helens; and decreases of \$1,068,000 for the H.J. Andrews Experimental Forest, \$400,000 for the Hells Canyon National Recreation Area, \$185,000 for Clear Creek, \$278,000 for the Jefferson National Forest (Cascades), \$500,000 for the Tahoe Tallac site, \$225,000 for Big Cottonwood Canyon, \$830,000 for Badin Lake, Uwharrie National Forest, and \$1,000,000 for Region 8 hurricane recovery projects.

Within the regionwide recreation initiative funds included in the budget request for Region 8, to improve accessibility, \$400,000 is earmarked for the Badin Lake project, Uwharrie NF.

Because of budget constraints, the managers are unable to provide the entire

balance of funding to complete the Ketchikan visitors center this year. These funds will be addressed in future years. The managers do not expect the scope of the project to be redrawn. Within the funds included in the budget request for survey and design of new projects in Region 6, the Forest Service is to provide \$400,000 to begin the rewiring of the historic Timberline Lodge.

Budgetary constraints preclude concurrence with the Senate recommendation of \$600,000 for Las Huertas Canyon in New Mexico. If this project is of high priority to the Southwestern Region, the Forest Service should prepare a reprogramming of funds from other New Mexico Forest Service projects to continue this initiative in fiscal year 1992. The managers supported this project with the inclusion of \$392,000 in fiscal year 1991.

The net decrease in road construction from the House level consists of increases of \$250,000 for the Ketchikan visitors center, \$1,000,000 for the Hells Canyon NRA, and \$715,000 for the Salmon River Road, and decreases of \$890,000 for the Wayne National Forest and \$2,612,000 for Mount St. Helens, which is transferred to recreation facilities.

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

**\*68** In lieu of the sum stricken and inserted by said amendment, insert the following: \$82,089,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides \$82,089,000 for construction and acquisition of buildings and other facilities instead of \$78,607,000 as proposed by the House and \$78,272,000 as proposed by the Senate. The increases over the amount proposed by the House are discussed in the preceding amendment.

Amendment No. 145: Provides \$193,089,000 for road and trail construction rather than \$271,813,000 as proposed by the House and \$187,273,000 as proposed by the Senate. The difference from the amount proposed by the House is discussed in Amendment No. 143.

Amendment No. 146: Provides a ceiling of \$113,000,000 in new authority for construction of forest roads by timber purchasers as proposed by the House, rather than the Senate proposed ceiling of \$120,000,000.

Amendment No. 147: Deletes language proposed by the House providing for the use of up to \$5,000,000 in road repair funds for the planned obliteration of roads which are no longer needed. The language is provided under the National Forest System account along with the road maintenance funds.

#### LAND ACQUISITION

Amendment No. 148: Appropriates \$89,433,000 for Forest Service land acquisition instead of \$90,735,000 as proposed by the House and \$78,270,000 as proposed by the Senate.

The managers agree to the following distribution of funds.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

**\*69** The managers direct the Forest Service to purchase the Big Creek property located in the Siuslaw National Forest for an amount up to and including the previously appropriated amount of \$1,500,000.

Included within the allowance for Toiyabe NF are funds for Hope Valley and the Fibre Board property.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the

Senate which provides authority to make a grant of \$633,000 to the City of Missoula, Montana for direct acquisition of property known as Rattlesnake Greenway.

#### ADMINISTRATIVE PROVISIONS

Amendment No. 150: Restores House language stricken by the Senate which provides that no funds shall be advanced for firefighting until the emergency firefighting funds have been exhausted.

Amendment No. 151: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which continues the availability of the timber salvage sale fund under the same authorities as provided in prior years. The managers have not specified a funding level from the salvage sale fund because of uncertainty about the level of salvage opportunity that may exist during fiscal year 1992. As discussed previously, the Forest Service should include information about the use of salvage sale funds in the monthly timber program report requested by the managers.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which changes the reference regarding reprogramming procedures to [House Report 102-116](#) rather than House Report 99-714.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes permanent language providing authority for the Forest Service to negotiate and enter into cooperative arrangements with other agencies, organizations, and individuals.

**\*70** Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Forest Service to enter into cooperative arrangements for the printing of educational materials related to its programs.

Amendment No. 155: Deletes House language on the timber sales program on the Shawnee National Forest, as proposed by the Senate. This matter is discussed under Amendment No. 164.

Amendment No. 156: Restores House language stricken by the Senate providing for certain types of timber management on the Wayne National Forest.

Amendment No. 157: Reported in technical disagreement.

The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language prohibiting the use of funds to administer a special use authorization on Rock Creek, Madera County, CA, until an environmental study has been completed and a finding made that there will be no adverse impact on

the environment. The managers believe this study is necessary because an extended five-year drought has changed conditions such that some of the earlier information may need to be updated.

Amendment No. 158: Deletes House language requiring a below cost timber sales test on the Shawnee National Forest, as proposed by the Senate. This matter is discussed under Amendment No. 164.

Amendment No. 159: Deletes language proposed by the Senate that directed the Forest Service to offer specific volumes of timber for sale during fiscal year 1992.

Amendment No. 160: Deletes language proposed by the Senate that directed the Forest Service to prepare timber for sale in future years through specific gates in the timber sales preparation process.

Amendment No. 161: Deletes language proposed by the Senate that would have provided increased funding to national forests achieving timber sale offer and pipeline preparation volume.

Amendment No. 162: Deletes language proposed by the Senate which would have provided that the payment from fiscal year 1992 \*71 receipts to South Carolina for the Francis Marion NF shall be not less than 90% of the average annual payment to the State based on the 1986-1989 baseline period. A related grant to the State is discussed under Amendment No. 131.

Amendment No. 163: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following:

As a pilot effort, for the purpose of achieving ecologically defensible management practices, the Kaibab and Dixie National Forests are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the Congressional expectations for the annual timber harvest.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language authorizing the Forest Service in two national forests to apply the value of timber removed under a stewardship end result contract as an offset against the cost of various stewardship services, such as reforestation, recreation, wildlife habitat, etc. This is intended to be a pilot effort, and the Forest Service should document in detail all such contracts entered into during fiscal year 1992, including the calculations used in determining the value of timber removed and the value of services received, and include this information in a report to be submitted to the authorizing committees and the Appropriations Committees as soon as possible after the end of the fiscal year.

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practices envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991.

To the greatest extent possible, and pending final approval of the Draft Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

**\*72** The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included Senate proposed language regarding conducting a below cost study on the Shawnee NF, IL, and working with timber purchasers to achieve mutually acceptable modifications to existing timber contracts, in line with the practices and procedures envisioned in the draft amendment to the Shawnee NF management plan released in 1991. The managers have also added language which prohibits the use of funds to the greatest extent possible, pending final approval of the draft amendment to the Shawnee forest plan, to prepare timber sales using clearcutting or other forms of even aged management in hardwood stands.

It is not the intention of the managers to take a position with regard to the overall merit of the draft plan for the Shawnee and this language is not intended as an endorsement. The plan is referenced only to provide a range of timber management alternatives for the Shawnee. It is the understanding of the managers that the draft plan cited in the language calls for virtually no clearcutting on the Shawnee and instead, relies heavily on a practice known as "gap phase dynamics" which simulates natural tree fall patterns. Under the plan, uneven aged management is to be the predominant silvicultural practice on the Shawnee. Given the strong concern for the decline in neotropical migratory bird species and the role of dwindling forest resources such as those on the Shawnee in this process, the managers encourage this shift towards low-impact timber management practices for this forest such as those included in its 1991 draft amendment to the plan.

#### DEPARTMENT OF ENERGY

#### CLEAN COAL TECHNOLOGY

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Notwithstanding the issuance date for the fifth general request for proposals under this head in [Public Law 101-512](#), such request for proposals shall be issued not later than July 6, 1992, and notwithstanding the proviso under this head in [Public Law 101-512](#) regarding the time interval for selection of proposals resulting from such solicitation, project proposals resulting from the fifth general request for proposals shall be selected not later than ten months after the issuance date of the fifth general request for proposals: Provided, That hereafter the fifth general request for proposals

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment changes the issuance date for the fifth general request for proposals to July 6, 1992 instead of March 1, 1992 as proposed by the House and August 10, 1992 as proposed by the Senate and changes the allowable length of time from issuance of the request for proposals to selection of projects to ten months. The **\*73** amendment also deletes Senate proposed bill language pertaining to a sixth general request for proposals as discussed below.

The managers agree that the additional two months in the procurement process for the fifth round of proposals should include an additional month to allow for the

preparation of proposals by the private sector, and up to an additional month for Department of Energy review and evaluation of proposals when compared to the process for the fourth round.

The managers have agreed to delete bill language regarding a sixth round of proposals, but agree that funding will be provided for a sixth round based on unobligated and unneeded amounts that may become available from the first five rounds. The report from the Secretary on available funds, which was originally in the Senate amendment, is still a requirement and such report should be submitted to the House and Senate Committees on Appropriations not later than May 1, 1994. Based on that report, the funding, dates and conditions for the sixth round will be included in the fiscal year 1995 appropriation.

The managers expect that the fifth solicitation will be conducted under the same general types of criteria as the fourth solicitation principally modified only (1) to include the wider range of eligible technologies or applications; (2) to adjust technical criteria to consider allowable development activities, to strengthen criteria for non-utility demonstrations, and to adjust commercial performance criteria for additional facilities and technologies with regard to aspects of general energy efficiency and environmental performance; and (3) to clarify and strengthen cost and finance criteria, particularly with regard to development activities.

Amendment No. 166: Restores House language deleted by the Senate which refers to a fifth general request for proposals. The Senate proposed language dealing with both a fifth and a sixth round.

Amendment No. 167: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs the Secretary of Energy to reobligate up to \$44,000,000 from the fourth round of Clean Coal Technology proposals to a proposal ranked highest in its specific technology category by the Source Evaluation Board if other than the highest ranking project in that category was selected originally by the Secretary, and if such funds become unobligated and are sufficient to fund such project. This amendment would earmark such funds, if they become available, to a specific project not chosen in the Department of Energy selection process for the fourth round of Clean Coal Technology.

Amendment No. 168: Technical amendment which deletes House proposed punctuation and numbering as proposed by the Senate.

Amendment No. 169: Deletes House proposed language which made unobligated funds available for procurements for which requests for proposals have not yet been issued.

Amendment No. 170: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds "not less than" to employment floor language for PETC as proposed by the Senate. The House had no such language.

**\*74** Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds "not less than" to employment floor language for METC as proposed by the Senate. The House had no such language.

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 172: Appropriates \$458,104,000 for fossil energy research and development instead of \$453,989,000 as proposed by the House and \$462,015,000 as proposed by the Senate. The net increase above the amount proposed by the House consists of increases of \$500,000 for work at Ames Laboratory (IA) in coal preparation; \$260,000 for PFBC filter development, \$800,000 for two-stage

desulfurization in gasification, \$150,000 for bench-scale testing of sorbents in gasification concepts, and \$350,000 for direct coal-fired turbine research, all in gas stream cleanup; \$750,000 for the final year of the Hawaii energy study and \$175,000 for the IEA coal service, both in advanced research and technology development; \$250,000 for AFBC special applications projects in AFB combustion; \$4,000,000 for a pilot scale facility for second generation PFB technology in PFB combustion; \$2,300,000 for indirect cycle critical components work and \$500,000 for conceptual design activities for a generic heat exchanger, indirect cycle test facility, both in advanced combustion technology; \$1,500,000 for two contracts in molten carbonate fuel cell stack development, and \$400,000 for research studies, both in molten carbonate fuel cells; \$1,000,000 for alternative concepts and \$350,000 for solid oxide seal work at Argonne National Laboratory, both in fuel cell advanced concepts; \$800,000 for low-Btu combustion work, \$200,000 for in-house r&d, and \$750,000 for a cooperative advanced turbine program, all in the turbine heat engine program; \$800,000 to continue one systems contractor and terminate another, and \$500,000 to close out work on novel concepts, both in diesel heat engines; \$250,000 for IGCC by-product studies and \$400,000 for trace contaminant studies, both in gasification for power production; \$650,000 for the NIPER thermodynamics program, and \$400,000 for technology transfer, both in advanced extraction and process technology; \$700,000 (for a total of \$2,500,000 in all oil programs) for the Oil Recovery Technology Partnership; \$800,000 (for a total of \$800,000) to complete METC CO-2 OIL CONTRACTS, AND \$900,000 FOR THE OVERALL PROGRAM, ALL IN LIGHT OIL ENHANCED RECOVERY; \$750,000 FOR TAR SANDS; \$750,000 FOR A COMPETITIVE PROCUREMENT IN VALUE-ADDED PRODUCT RESEARCH IN OIL SHALE; \$1,500,000 FOR THE UNDEERC FACILITY; \$2,000,000 FOR THE NATIONAL RESEARCH CENTER FOR COAL AND ENERGY; AND \$3,500,000 FOR METC AND PETC "TIGER TEAM" ENVIRONMENTAL, HEALTH, AND SAFETY DEFICIENCIES; AND DECREASES OF \$750,000 FOR PETC IN-HOUSE AND HI-BAY R&D, \$900,000 FOR PREMIUM FUELS, AND \$150,000 FOR TRACE ELEMENT REMOVAL, ALL IN COAL PREPARATION; \$550,000 FOR IN-HOUSE R&D, AND \$620,000 FOR COOLSIDE TECHNOLOGY, BOTH IN FLUE GAS CLEANUP; \$50,000 FOR IN-HOUSE RESEARCH IN WASTE MANAGEMENT; \$750,000 FOR COAL EXPORTS, AND \$500,000 FOR MOLECULAR SCIENCES, BOTH IN ADVANCED RESEARCH AND TECHNOLOGY DEVELOPMENT; \$1,000,000 FOR ADVANCED RESEARCH IN COAL LIQUEFACTION; \$500,000 FOR ONGOING CONTRACTS AND \$750,000 FOR ADVANCED \*75 CONCEPTS, BOTH IN DIRECT COAL LIQUEFACTION; \$750,000 FOR ONGOING CONTRACTS IN INDIRECT COAL LIQUEFACTION; \$300,000 FOR SUPPORT STUDIES IN LIQUEFACTION; \$400,000 TO REDUCE THE NUMBER OF CONTRACTS TO TWO FOR THE PETC HIGH EFFICIENCY COMBUSTION PROGRAM IN ADVANCED COMBUSTION; \$500,000 IN ALTERNATIVE FUELS UTILIZATION; \$50,000 FOR IN-HOUSE RESEARCH IN MOLTEN CARBONATE FUEL CELLS; \$1,300,000 FOR INDIRECT TURBINE CYCLE WORK AND \$1,300,000 TO CONTINUE ONE TURBINE SYSTEMS CONTRACTOR AND PHASE OUT OTHERS, BOTH IN TURBINE HEAT ENGINES; \$4,700,000 FOR THE 5-FOOT DIAMETER FIXED BED GASIFIER FACILITY IN GASIFICATION FOR POWER PRODUCTION; \$200,000 FOR IN-HOUSE RESEARCH IN CO-PRODUCTS GASIFICATION; \$300,000 (\$190,000 FROM PETC; \$110,000 FROM METC) IN GAS-TO-LIQUIDS WORK IN ADVANCED EXTRACTION PROCESS TECHNOLOGY; \$300,000 IN EASTERN OIL SHALE; \$500,000 IN HEADQUARTERS PROGRAM DIRECTION; \$2,000,000 IN ETC PROGRAM DIRECTION, SPLIT EVENLY BETWEEN PETC AND METC; \$3,000,000 FOR CAPITAL EQUIPMENT; \$600,000 IN GENERAL PLANT PROJECTS; \$1,000,000 FOR UNDEERC AND WRI, SPLIT EVENLY, IN COOPERATIVE RESEARCH; \$1,000,000 AS AN OFFSET BY USING PRIOR YEAR DEOBLIGATIONS; AND \$100,000 FOR THE FEDERAL INSPECTOR, ALASKA NATURAL GAS TRANSPORTATION SYSTEM.

The managers agree that:

1. continued support for larger scale activities in the coal preparation program is dependent on firm indications from industry of the need for the program as well as a financial commitment by industry to the activities. The managers expect the Department to meet with industry and develop a plan for such activities

as soon as possible during fiscal year 1992, and report the results to the House and Senate Appropriations Committees by June 1, 1992.

2. funding in coal preparation, high efficiency processes includes up to \$250,000 for the Liccado process.

3. with regard to the Calderon project, \$1 million is to be released by the Department of Energy (DOE) upon delivery to and approval by DOE of a detailed project plan including a description of the engineering changes to be made to overcome the present technical (plugging) problems and providing for adequate instrumentation for heat/material balances. The changes shall include fixes for safe and continuous operation only. The managers are concerned with the previous cost overruns, schedule slips, and lack of successful operation of the Calderon process development unit (PDU). The DOE is directed to review closely the project plan to ensure that adequate engineering analysis has been done to support the recommended fixes to the plugging problem and that the recommended changes in hardware and operating procedures are adequate and suitable prior to release of funds. The project plan shall also include a detailed description of startup/operation test procedures and a test plan to include a description of all planned tests. The DOE shall release the remaining \$400,000 only upon satisfactory installation of the engineering changes and satisfactory operation of the complete and integrated system as approved by DOE. Prior to release of the \$400,000, the PDU shall be shown to operate without plugging for 48 hours continuous operation. All DOE funding is contingent upon a minimum of 20 percent cost share from non-Federal \*76 sources. The DOE shall not release any funds until Calderon has provided documentation showing the ability to meet the 20 percent non-Federal cost share. Such support shall include letters of commitment from any third-party sources.

4. the liquefaction pilot plant program at Wilsonville, Alabama should be terminated in an orderly fashion, and an alternate arrangement should be sought as quickly as possible for a cooperative program with private sources to continue such "proof-of-concept" level development work in the future. Such a program should include significantly increased cost-sharing.

5. future development work at the LaPorte, Texas, liquefaction pilot plant is expected to include significantly increased cost-sharing. This requirement should be applied to facility modifications and experimental operations, but not to the maintenance of the facility in standby condition between runs.

6. the \$4,000,000 provided for continued design and construction of a facility to test pilot plant scale components for second generation pressurized fluidized bed combustion technology should be expended in conjunction with gas stream clean-up particle test facilities being supported at Wilsonville, Alabama. No construction funds for the combined project may be expended without assurance of at least 20% cost-sharing from other sources, or prior to receipt by the House and Senate Appropriations Committees of a definitive cost estimate for construction and operation of the facility. Any design and site planning for this facility should allow for possible additions for heat exchanger, turbine, or overall indirect turbine testing facilities which may result from the heat exchanger, indirect turbine study, or the planned indirect cycle Phase II procurement.

7. no commitment is made to and no funding is provided for a generic heat exchanger facility and the December 1, 1990 report required by [Senate Report 102-122](#) is still required. Conceptual design funds (\$500,000) have been included contingent on the results of the study.

8. funding has been provided to continue current scale development of critical indirect turbine cycle components at METC and for two of three competitively selected projects in PETC's high efficiency indirect cycle program. Funding of one or more concepts for further testing and scale-up of facilities arising from this work, or from other potential competitors outside this program, should be



determined in the open competition contemplated as Phase II of the PETC program.

9. funds provided for molten carbonate fuel cells are for scheduled work, including optional stacks, with the two stack developers, and orderly termination of the third contractor. In addition, the \$5,000,000 provided for 50-50 cost-shared support of demonstration stacks is for support of two contractors.

10. funds available from previous years for the five-foot diameter fixed-bed gasifier facility, approximately \$5.4 million, continue to be subject to a 20 percent cost-sharing requirement. The managers expect prior notification to the House and Senate Appropriations Committees if the Department alters the concept for this facility in any significant manner.

**\*77** 11. within funds for competitive procurements in light oil enhanced oil recovery, NIPER and Metairie offices through the Bartlesville project office are expected to manage at least \$1,400,000 of the contracts.

12. for eastern oil shale research, \$1,600,000 available from fiscal year 1991 because of lack of industry cost-sharing may be applied, without the 40 percent cost-sharing requirement, to ongoing research at the current scale.

13. for unconventional gas recovery the recommended \$12,900,000 consists of \$6,400,000 for resources, \$5,500,000 for extraction, and \$1,000,000 for utilization. In resources, the amount consists of \$1,000,000 for deep gas and gas hydrates, \$1,400,000 for natural fracture diagnostics, \$3,000,000 for modeling and resource assessment consisting of METC in-house activities, continuation of reserve estimates for the Greater Green River Basin, and resource assessment in the Uinta Basin, and \$1,000,000 for data bases, interpretive models and atlases in conjunction with GRI. No resource assessment wells in the Greater Green River Basin are to be initiated. In extraction the amount consists of \$2,000,000 for a cost-shared fluids laboratory with GRI, \$2,000,000 to complete stimulation of the already-drilled Western well, \$500,000 to complete Eastern well tests, and \$1,000,000 to continue research on air drilling technology for horizontal wells. In utilization the \$1,000,000 is to continue research on upgrading low quality gas in conjunction with GRI.

14. the \$3,500,000 provided in environmental restoration to correct construction, maintenance, and operating deficiencies identified at PETC and METC by "tiger team" inspections is for the highest priority items at both Centers based on environmental, health, and safety considerations. The managers expect a prompt report to the House and Senate Appropriations Committees on the proposed manner and timing of the use of these funds.

15. the statements regarding cost-sharing in [House Report 102-116](#) reflect the managers view. The managers are concerned particularly with attempts to obtain 50 percent cost-sharing for facilities and technologies in development stages well short of commercial demonstrations like clean coal technology which require similar cost-sharing.

16. Small Business Innovative Research (SBIR) requirements are to be met from funds becoming available in 1991 and 1992 from contract deobligations.

17. up to 5 percent of internal (non-contract) research and development funds for METC, PETC, WRI, UNDEERC, and the National Institute for Petroleum and Energy Research (NIPER) may be used for equipment, and such use should continue to be reported on a quarterly basis. Of the funds provided to National Laboratories a like percentage may be used for equipment, and reported on the same basis.

18. more funds from the total may be placed in the cost-shared program at the request of either WRI or UNDEERC.

**\*78** 19. within fuel cell advanced research up to \$500,000 may be used for ongoing materials research through the Pacific Northwest Laboratory.

20. within light oil enhanced oil recovery, \$800,000 is for technology transfer activities at the NIPER and Metairie offices through the Bartlesville project

office.

21. funding for Argonne National Laboratory shall be at levels equivalent to fiscal year 1991 with maximum emphasis on its core r&d program.

22. within light oil enhanced oil recovery, \$500,000 is for the University of Kansas for technology transfer activities expanding the Kansas Tertiary Oil Recovery Program (TORP) concept to transfer of near term priority reservoir class activities to independent operators nationwide.

23. language in [House report 102-116](#) pertaining to a plan for long range applied oil and gas research reflects the managers view.

24. the \$750,000 added for a cooperative advanced turbine program, is to initiate planning for a comprehensive effort with DOE's conservation program, turbine manufacturers, the Gas Research Institute (GRI), the Electric Power Research Institute (EPRI), and others. Funding for future work will depend on an overall rationale and program plan for government participation.

Amendment No. 173: Earmarks \$338,000 for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System instead of \$438,000 as proposed by the House and \$278,000 as proposed by the Senate.

Amendment No. 174: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limits the individuals that can manage fossil energy research and development funds.

Amendment No. 175: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: : Provided further, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada-Las Vegas: Provided further, That disbursements pursuant to such a grant shall be made only upon the actual use of such supercomputer time upon request by Fossil Energy and receipt by Fossil Energy of the products therefrom

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment earmarks a grant as proposed by the Senate, modified to specify the terms of payment. The House had no similar provision.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks \$2,000,000 for the National Research Center for Coal and Energy \*79 and \$1,500,000 on a matching basis for the University of North Dakota Energy and Environmental Research Center.

Amendment No. 177: Restores House earmark of \$40,800,000 for magnetohydrodynamics stricken by the Senate.

Amendment No. 178: Provides for a 35 percent private sector cost-share for the magnetohydrodynamics program as proposed by the House instead of 40 percent as proposed by the Senate. This continues the current level of cost-sharing.

#### ALTERNATIVE FUELS

Amendment No. 179: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of

October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: Provided, That the Department of Energy shall not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) upon modification of the Trust Agreement the Department shall immediately transfer \$20,000,000 from the Reserve Account to the Environmental Account, both established pursuant to section 2(b) of the Trust Agreement, and shall provide a loan from the Reserve Account for 40 per cent of the remaining project costs after the disbursement of funds from the Environmental Account in an amount not to exceed \$30,000,000 and at the rate of interest specified in sections 1 and 7(b) of the Trust Agreement; (3) no disbursements for construction shall be made from either the Reserve Account or from funds which have been transferred to the Environmental Account from the Reserve Account prior to receipt by Dakota Gasification Company of an amended Permit to Construct from the North Dakota State Department of Health; (4) the Government contribution from the Reserve Account shall be disbursed on a concurrent and proportional basis with the contribution from the Dakota Gasification Company; (5) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account, for any increased revenues or profits realized as a result of the sulfur control project; and (6) such contributions from the Reserve Account, including funds to be transferred to the Environmental Account, shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted \*80 not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment establishes conditions for disbursing up to \$50,000,000, consisting of \$20,000,000 as a grant and up to \$30,000,000 as a loan, from a reserve account in trust agreement, for the construction of a sulfur control project at the Great Plains Gasification Plant. The Senate amendment concerned a \$50,000,000 grant and the House amendment concerned a \$30,000,000 loan.

Should the agreement be modified, the amendment specifies the manner of payment of loan and grant funds; limits the Government contribution to eligible costs; prohibits release of funds without a construction permit; specifies the loan interest rate; specifies some revenue sources for loan repayment; and makes contributions contingent on a report to Congress by the Secretary of Energy on the efficacy of the project.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 180: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:  
\$235,300,000 to remain available until expended: Provided, That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserves Numbered 1, 2, and 3 and the Naval Oil Shale Reserves and estimated to

total \$523,000,000 for fiscal year 1992 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in carrying out naval petroleum and oil shale reserve activities: Provided further, That the sum herein appropriated shall be reduced as such revenues are received so as to result in a final fiscal year 1992 appropriation estimated at not more than \$0

And on page 64, lines 22 and 23 of the House engrossed bill, **H.R. 2686**, strike: ", to remain available until expended"

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment appropriates \$235,300,000 for Naval Petroleum and Oil Shale Reserves instead of \$238,200,000 as proposed by the House and \$222,300,000 as proposed by the Senate. The increase of \$13,000,000 over the amount proposed by the Senate is for the highest priority production enhancement and environmental compliance projects.

The amendment also provides for offsetting the appropriations with receipts from operation of the Reserves. This arrangement is similar to the current practice with regard to Department of Energy uranium enrichment operations. It has no direct effect on the operation of the Reserves or on legislation pertaining to it. The managers expect this procedure to be followed by the Department in submitting future budget requests to provide a more complete picture of the profitability of Reserve operations.

#### **\*81 ENERGY CONSERVATION**

Amendment No. 181: Appropriates \$543,166,000 for energy conservation instead of \$559,661,000 as proposed by the House and \$526,084,000 as proposed by the Senate. The net increase above the amount proposed by the Senate consists of increases of \$400,000 for windows in the materials and structures activity in buildings; \$150,000 for lighting and appliance standards in the lighting and appliances activity in buildings; \$250,000 for an industrialized housing program in the Northeast, and \$350,000 for NAHB research, both in building systems; \$1,000,000 for cost-shared ferrosilicon research and \$700,000 for ongoing programs in waste utilization, both in industrial wastes; \$615,000 for existing combustion research contracts in municipal solid wastes; \$500,000 for metals casting research in industrial materials processing; \$939,000 for management in industrial conservation; \$1,500,000 for existing light duty engine contracts in heat engines in transportation; \$300,000 for National Laboratory fuel cell support research in electric and hybrid vehicles; \$1,000,000 for the urban Consortium in municipal energy in technical and financial assistance; and \$23,283,000 for State and local grant programs; and decreases of \$900,000 for appliance research in lighting and appliances in buildings; \$700,000 for capital equipment in buildings; \$2,000,000 in waste minimization in industrial wastes; \$500,000 in data collection and analysis in municipal solid wastes; \$2,000,000 for the steel information system project; \$500,000 for electric devices; \$500,000 in implementation and deployment in industrial conservation; \$100,000 for capital equipment in industrial conservation; \$500,000 for natural gas vehicles research on nontechnical factors in alternative fuels; \$1,000,000 in heavy duty engines in heat engines in transportation; \$500,000 for student programs and \$500,000 for fellowship programs at the HTML, both in implementation and deployment in transportation; \$1,000,000 for district heating and cooling joint ventures and \$1,000,000 in integrated resource planning, both in the utility sector; \$1,000,000 for the budgeted municipal energy program; \$330,000 for SERI capital equipment in information and communications in technical and financial assistance; and \$875,000 for SBIR allocations in policy and management.

The managers agree that:

1. the EADC program in industrial conservation implementation and deployment

should support 22 centers.

2. the \$2,300,000 reduction from the budget request in transportation implementation and deployment is to delete Alternative Fuels Centers of Excellence.

3. rather than establishing a separate municipal grant program the Department should work with States to require more assistance to municipalities through the State conservation grant program.

4. Small Business Innovative Research (SBIR) funds should be made available from amounts becoming available in 1991 and 1992 from contract deobligations.

5. within overall transportation funding up to \$500,000 may be made available for services provided to the United States Alternative Fuels Council which are consistent with the responsibilities \*82 of the Council under the Alternative Motor Fuels Act of 1988 if deemed appropriate by members of the Council.

6. up to 5 percent of funds provided to National Laboratories for research and development may be used for equipment, and such use should be reported to the House and Senate Appropriations Committees on a quarterly basis.

7. in order to facilitate program management, transfers of funds for personnel costs or personnel between program direction activities do not require advance reprogramming approval, but should be reflected in quarterly updates of the Department's "Base Table" submitted to the Appropriations Committees.

8. within alternative fuels funds, \$105,000 is for a Northwest Missouri State University ethanol fuels study for small engines.

9. total State and local grant funding of \$243,433,000 includes \$196,400,000 for low income weatherization, \$30,632,000 for institutional conservation, and \$16,401,000 for State conservation grants, including the Energy Extension Service.

Amendment No. 182: Earmarks \$243,433,000 for certain State and local grant programs instead of \$247,893,000 as proposed by the House and \$220,150,000 as proposed by the Senate.

Amendment No. 183: Earmarks \$2,000,000 for metal casting research instead of \$3,000,000 as proposed by the House and \$1,500,000 as proposed by the Senate.

Amendment No. 184: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks \$1,500,000 for a grant to the National Center for Alternate Transportation Fuels.

Amendment No. 185: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: \$3,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment earmarks \$3,000,000 for an ongoing steel industry contract instead of \$5,000,000 as proposed by the Senate. The House had no such earmark.

Amendment No. 186: Earmarks \$17,968,000 for the metals initiative as proposed by the House instead of \$17,967,000 as proposed by the Senate.

Amendment No. 187: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the words "up to" with regard to an earmark for battery research as proposed by the Senate.

#### ECONOMIC REGULATION

Amendment No. 188: Appropriates \$14,771,000 for economic regulation instead of \$15,114,000 as proposed by the House and \$14,428,000 as proposed by the Senate. The increase above the \*83 amount proposed by the Senate is for Office of Hearings and Appeals staffing.

## STRATEGIC PETROLEUM RESERVE

Amendment No. 189: Prohibits leasing of storage facilities for the Strategic Petroleum Reserve until oil stored in or committed to government-owned facilities is 700,000,000 barrels as proposed by the Senate instead of 750,000,000 barrels as proposed by the House. The amendment applies only to funds appropriated in this Act. The managers reiterate that leasing of facilities, if proposed, is subject to Congressional review procedures contained in sections 173 and 174, Part C, title I of the Energy Policy and Conservation Act ([42 U.S.C. 6211](#) et seq.) as contained in [section 6 of Public Law 101-383](#).

## SPR PETROLEUM ACCOUNT

Amendment No. 190: Reported in technical disagreement. The manager on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$274,100,000 for the acquisition of petroleum for the Strategic Petroleum Reserve, instead of \$203,000,000 as proposed by the House and \$178,100,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. Funds included in this appropriation and previously available amounts total approximately \$1 billion for oil acquisition.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: : Provided further, That no funds available in fiscal year 1992 in this, or any previous or subsequent appropriations Act, or made available in this account pursuant to [42 U.S.C. 6247\(b\)](#) as a result of any test drawdown or drawdown and distribution of the Reserve under the provisions of [42 U.S.C. 6241](#) may be used in fiscal year 1992 for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either: Provided further, That the Secretary of Energy may negotiate contracts pursuant to the provisions of part C, title I of the Energy Policy and Conservation Act ([42 U.S.C. 6211](#) et seq.), as contained in [section 6 of Public Law 101-383](#): Provided further, That restrictions on leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either which are contained under this head in [Public Law 101-512](#) are hereby repealed

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The Senate amendment struck House proposed language that made contracts for leasing of foreign-owned crude oil subject to legislative approval by Congress. The amendment agreed to allows the Secretary of Energy to negotiate leases or contracts for other than direct purchases with foreign entities under existing law but prohibits **\*84** the use of any available funds during fiscal year 1992. The amendment also repeals the mandatory approval process contained in the fiscal year 1991 Department of the Interior and Related Agencies Appropriations Act ([Public Law 101-512](#)), and is effective for fiscal year 1992 only.

Amendment No. 192: Deletes language proposed by the Senate which would have permitted the Secretary of Energy to contract for foreign-owned crude oil for the Strategic Petroleum Reserve without regard to current procedures for Congressional review of contracts. Congressional review of such contracts is included in

Amendment No. 191.

Amendment No. 193: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment that sets an outlay cap of \$137,000,000 for oil acquisition instead of \$139,000,000 as proposed by the House and \$141,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

#### ENERGY INFORMATION ADMINISTRATION

Amendment No. 194: Appropriates \$77,233,000 for the Energy Information Administration instead of \$77,908,000 as proposed by the House and \$77,073,000 as proposed by the Senate. The decrease below the amount recommended by the House consists of \$100,000 for the cost-shared State heating oil and propane data program, \$75,000 for the State energy price and expenditure report, and \$500,000 for end use surveys. The managers agree that the State energy price and expenditure report should be accommodated within available funds.

The managers expect the Department to continue the seven positions at the Dallas, Texas Field Office which support the oil and gas reserves reports, oil and gas cost studies, and foreign energy supply assessments for which both the House and Senate restored funding.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

Amendment No. 195: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert the following: \$1,449,871,000, of which \$5,000,000 shall be available on September 30, 1992 and shall remain available until expended for the Morris K. Udall Scholarship Foundation subject to the passage of authorizing legislation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment appropriates **\*85** \$1,449,871,000 for Indian health services instead of \$1,432,712,000 as proposed by the House and \$1,487,091,000 as proposed by the Senate, and makes \$5,000,000 available until expended for the Morris K. Udall Scholarship Foundation subject to authorization.

The net increase to the amount proposed by the House includes increases for population growth of \$9,900,000 in hospitals and clinics, \$214,000 in dental health, \$240,000 in mental health, \$911,000 in alcohol and substance abuse, \$6,760,000 in contract health services, \$180,000 in public health nursing and \$880,000 in community health representatives; for unmet needs of \$1,000,000 in dental health, \$2,000,000 in alcohol and substance abuse and \$5,535,000 in Indian health manpower, of which \$5,000,000 is for the Morris K. Udall Scholarship Foundation; and for child abuse prevention \$500,000 in mental health; and decreases in hospitals and clinics of \$5,938,000 for inflation and \$4,237,000 to be transferred to the facilities appropriation; \$200,000 in urban health to be divided equally between health promotion/disease prevention and immunization services; and \$586,000 in direct operations to be transferred to the facilities appropriation.

The managers agree that:

1. Individual projects not specifically referenced in the IHS budget are to be continued at the same funding level as in fiscal year 1991 plus inflation unless directed otherwise herein or in the reports accompanying the fiscal year 1992 appropriation;
2. Alcoholism programs at urban Indian clinics, originally funded through National Institute on Alcoholism and Alcohol Abuse grants or through funds available pursuant to [Public Law 100-690](#) should be continued at the same level as in fiscal year 1991 plus inflation; and the IHS, in future budget submissions, should identify these urban programs as a separate subactivity within the alcohol and substance abuse program;
3. Within the funds provided for the alcoholism account, \$200,000 is for counselors in BIA detention facilities, \$125,000 is for the University of Washington fetal alcohol syndrome project (an increase of \$25,000 above the fiscal year 1991 level) and \$100,000 is for an evaluation of the Winnebago drug dependency unit;
4. The IHS is to report to the Committees no later than December 1, 1991 on the proposed structure and format of the fiscal year 1993 budget request, including a description of the components of the social service program and how this program could be consolidated within the mental health account;
5. There is no earmark for a specific increase in the social services program; however, the social services program, which the managers understood is funded at \$5,000,000 in the base, should receive a fair share of the funds provided for inflation and population growth and the IHS should include in future budget requests an estimate of the amount and level of need funded for this program for the prior, current, and budget years;
6. At least \$1,800,000 is available in the mental health program for payments to State hospitals in North and South Dakota for indigent Indians involuntarily committed for treatment;
- \*86 7. The Navajo child sexual abuse prevention and treatment program is to be continued at \$300,000;
8. The Navajo/Gallup alcoholism project is to be continued at a funding level of \$1,226,000 which includes at least \$200,000 for continuing cooperative efforts at the Rehobeth McKinley facility;
9. With respect to the Navajo alcoholism project, the managers agreed to increased funding for this very needed program in fiscal year 1991 with the understanding that it would be a cooperative effort with the Tribe, local governments and private health care providers; the program is being continued in fiscal year 1992 with the same expectation and the IHS should keep the Committees fully apprised of how these funds are being used.
10. There is no specific earmark for increased funds for patient travel in Alaska; however, the managers understand that the Alaska region will receive approximately \$1 million of the \$10 million total increase for unmet need in contract health services and will receive its fair share of the funds provided for inflationary costs and population growth in the hospitals and clinics and contract health services activities;
11. There is no specific earmark for an assessment of village built clinics in Alaska; however, the managers expect the IHS to work with the Alaska Native organizations on a plan to address the deficiencies identified in annual reviews by the IHS environmental health staff;
12. \$535,000 of the increase above the amount provided by the House for the manpower program is to aid in recruitment and retention of personnel at IHS locations, such as those in South Dakota, which are experiencing severe problems in maintaining adequate staffing; and the managers expect that these funds will be



awarded on a competitive basis for the most meritorious proposals for addressing these problems and that the proposals that are funded do not duplicate existing IHS programs in the manpower, health education or community health representatives areas;

13. The IHS should review on an area-by-area basis the historical and prospective situation with respect to physician and other health professional recruitment and retention as compared with the current distribution of manpower funds for the program and present the results of this review at the fiscal year 1993 budget hearings;

14. The IHS should initiate planning activities with tribal governments with approved self-governance compacts for development of a Self-Governance Demonstration Project as authorized by [Public Law 100-472](#);

15. Within the funds available to the IHS, \$500,000 should be set aside to reimburse participating self-governance tribal governments for planning expenses; and

16. The IHS, in close coordination with participating self-governance tribes, should report to the Committees, no later than two weeks before its first fiscal year 1993 budget hearing, on the status of self-governance planning including budget requirements, the development of transfer models including experimental \*87 operations, and proposed monitoring and evaluation methodologies.

Amendment No. 196: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that earmarks \$301,311,000 to remain available until September 30, 1993, for contract medical care instead of \$294,551,000 as proposed by the House and \$296,311,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 197: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the words "not less than" before the amount available for a loan repayment program.

#### INDIAN HEALTH FACILITIES

Amendment No. 198: Appropriates \$277,852,000 for Indian health facilities instead of \$295,211,000 as proposed by the House and \$202,068,000 as proposed by the Senate.

The net decrease to the amount proposed by the House includes increases of \$350,000 to complete construction of the Sallisaw, OK health center, \$4,237,000 transferred from the hospitals and clinics activity and \$586,000 transferred from the direct operations activity for facilities support; and decreases of \$2,645,000 for the Crow, MT hospital, \$10,000,000 for repair, improvement and maintenance, \$2,111,000 for the Aberdeen area regional youth treatment center, \$3,776,000 for the Portland area regional youth treatment center, and \$4,000,000 for sanitation facilities to be divided equally between the newly constructed/renovated homes and the existing homes subactivities.

The managers agree that:

1. The IHS may reprogram up to a total of \$600,000 from the Rosebud hospital project and the Belcourt hospital project to the Rosebud staff quarters project if needed for the completion of the 66 units now under construction;

2. The IHS should reprogram \$1,130,000 from surplus funds available upon completion of the Belcourt hospital project to the Wagner outpatient project to complete construction of that health center;

3. The IHS may reprogram up to \$1,000,000 from the Belcourt hospital project

for construction expenses for the Aberdeen area regional youth treatment center project;

4. The IHS may reprogram up to \$500,000 from within available funds, if needed, for further design or site work for the Portland area regional youth treatment center;

5. For future hospital and clinic design, the IHS should project 10 years in its estimates of needed space for facilities on its construction priority list rather than the current 8 years;

6. The IHS, in consultation with the Tribes, needs to rework its methodology for hospital and clinic design to incorporate new concepts, such as low acuity beds in health centers, so as \*88 to provide cost-effective alternatives to a full service hospital or a facility strictly limited to outpatient services;

7. No funds are earmarked for the Winnebago project but the IHS is expected to continue to work with the tribe within available funds to reach agreement on the scope of the project and should report to the Committees during the fiscal year 1993 budget hearings on the status of the Winnebago project in particular and, in general, on recommendations for revising the facility design methodology;

8. There are no earmarks for specific water and sewer projects within the sanitation account; all funds to address the backlog of sanitation needs for existing homes should be spent in accordance with the sanitation priority system; and

9. The IHS should explore directly providing engineering services rather than funding the Public Health Service for construction engineering support and report in the fiscal year 1993 budget on the requirements for this program assuming IHS were to assume this function.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate requiring a quarterly report on additional leased space requirements. The House had report language regarding quarterly reporting requirements on this subject.

#### DEPARTMENT OF EDUCATION

##### OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

##### INDIAN EDUCATION

Amendment No. 200: Appropriates \$77,547,000 for Indian Education as proposed by the House instead of \$77,400,000 as proposed by the Senate. There is no specific earmark for a Hopi model education project using Subpart 2 funding. The managers understand that curriculum improvement is a high priority of the Hopi Tribe and expect the Office to work with the Hopi and all Tribes on improving their grant applications.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

Amendment No. 201: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$26,172,000 for the Office of Navajo and Hopi Indian Relocation instead of \$31,634,000 as proposed by the House and \$30,572,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

\*89 The decreases to the amount proposed by the House include \$5,000,000 in housing funds due to the large unobligated balances remaining at the end of fiscal year 1991, \$212,000 for road development on the New Lands and \$250,000 in discretionary funds. Within the funds provided for housing the managers expect the Office to work with the Tribes and IHS on resolving the situation with respect to sanitation needs in the Cliff Springs area. The managers understand that approximately \$325,000 is needed to remove a wall and tank from a sacred spring site as requested by the Hopis, to provide a haul fixture addition to an existing windmill to access a water system which is about a mile away from the sacred spring and which uses a different water source, and to provide bathroom and plumbing renovations for 73 existing homes.

#### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

##### CULTURE AND ARTS DEVELOPMENT

##### PAYMENT TO THE INSTITUTE

Amendment No. 202: Appropriates \$6,612,000 for the Institute of American Indian Arts instead of \$8,187,000 as proposed by the House and \$6,087,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of \$75,000 to operations of the Institute and \$1,500,000 the change to a calendar year basis.

Amendment No. 203: Provides \$350,000 for Federal matching contributions to the endowment fund as proposed by the House instead of \$300,000 as proposed by the Senate.

#### SMITHSONIAN INSTITUTION

##### SALARIES AND EXPENSES

Amendment No. 204: Appropriates \$283,961,000 for salaries and expenses instead of \$286,269,000 as proposed by the House and \$281,074,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of \$778,000 for research, \$1,380,000 for museums, and \$150,000 in facilities.

The net decrease for research includes decreases from the House level of \$100,000 for five new positions and related costs for the submillimeter array in the Astrophysical Observatory, \$178,000 for two new positions and related costs in global change research at the Tropical Research Institute, and an increase of \$50,000 for the crew (1.25 FTEs) of the new research vessel also at the Tropical Research Institute.

At the Environmental Research Center, decreases include \$50,000 for two new positions and related costs in global change research and \$300,000 for land acquisition. With regard to any future land acquisitions proposed by the Smithsonian, the managers agree that such proposals should be reviewed by the

authorizing committees, including whether the use of non-Federal funds would be more appropriate.

Additional decreases in research from the House level include \$125,000 in libraries related to the inflation costs for the purchase of journals and \$75,000 in the international environmental science \*90 program for two positions and related costs in global change research and one position and support costs related to the establishment of the Mpala Research Station in north central Kenya.

The decrease in museums consists of \$250,000 in the National Museum of Natural History for the establishment of a clearinghouse on biological diversity, and \$25,000 related to the study of human ecological history. The managers have agreed to provide \$315,000, on a one-time only basis, for a laboratory for the Amazon biological diversity project. In the National Museum of American History, there is a decrease of \$250,000 for the Jazz Masterworks program, leaving an increase of \$250,000 over 1991. With regard to the funding provided for the museum studies program in the National Museum of American History for the Duke Ellington School of Arts, the managers expect that this will be one-time only funding.

For the National Museum of the American Indian, a decrease of \$225,000 is included for two new positions, media, and promotional costs in the National Campaign office. Additional decreases in museums include \$30,000 for the National Portrait Gallery, \$470,000 which is not needed in FY 1992 for exhibit reinstallation at the Freer Gallery, \$30,000 for an archivist at the Archives of American Art, and \$100,000 for the Cooper-Hewitt Museum.

In facilities, there is a decrease of \$150,000 for protection services.

The managers expect the Smithsonian will not embark upon any costly new initiatives or any significant redirection of its staff or resources without providing the necessary justification required as a part of its annual budget submission.

If requested, the managers encourage the Smithsonian to provide technical assistance regarding collections management for an Indian culture center in Oklahoma. The managers expect, however, that the Smithsonian's role with the center will be limited to an advisory capacity only.

Amendment No. 205: Provides that \$25,839,000 shall remain available until expended instead of \$26,679,000 as proposed by the House and \$25,229,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of \$615,000 for exhibit reinstallation and \$225,000 for the National Museum of the American Indian.

#### REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 206: Appropriates \$24,710,000 for repair and restoration of buildings instead of the \$27,710,000 as proposed by the House and \$24,700,000 as proposed by the Senate. The decrease from the amount proposed by the House is \$3,000,000 for additional backlog projects. While the managers regret that limitations on the overall budget require a reduction from the budget estimate in this account, they are confident that the funding provided will allow the Smithsonian to complete the most urgently needed projects in fiscal year 1992.

#### \*91 CONSTRUCTION

Amendment No. 207: Appropriates \$19,400,000 instead of \$20,100,000 as proposed by the House and \$19,350,000 as proposed by the Senate. The decrease from the amount proposed by the House includes \$250,000 for construction planning and \$450,000 for auditorium renovation at the Freer Gallery.

The managers on the part of the House reaffirm their position regarding the use of planning funds for, and the site selection of, the proposed extension to the National Air and Space Museum. The managers on the part of the Senate reaffirm their position on these issues.

#### NATIONAL GALLERY OF ART

##### SALARIES AND EXPENSES

Amendment No. 208: Appropriates \$49,192,000 for salaries and expenses instead of \$48,236,000 as proposed by the House and \$49,900,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of \$512,000 for care and utilization of art collections, \$350,000 for operations and maintenance, and \$94,000 for general administration.

The increase over the House for care and utilization of art collections includes increases of \$100,000 for payroll base deficiencies, \$62,000 for the Gallery Senior Executive Service, \$250,000 for special exhibitions, and \$100,000 for data processing. In operations and maintenance, the increase over the House consists of a decrease of \$85,000 for utilities, and an increase of \$435,000 for water and sewer costs. In general administration, the increase includes \$49,000 for transportation of things and \$45,000 for rents and utilities.

Amendment No. 209: Provides \$3,120,000 for the special exhibition program instead of \$2,870,000 as proposed by the House and \$3,370,000 as proposed by the Senate.

#### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 210: Appropriates \$3,600,000 for repair, restoration and renovation of buildings as proposed by the Senate instead of \$6,850,000 as proposed by the House.

#### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

Amendment No. 211: Appropriates \$5,744,000 for the Woodrow Wilson International Center for Scholars as proposed by the Senate instead of \$5,819,000 as proposed by the House.

The managers commend the Center for its efforts in identifying private sources of funds for the planned Mozart bicentennial program. The managers expect that the appropriated funds provided for the "Wilson Quarterly" will be used to offset partially the postage costs associated with that publication.

#### **\*92** NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### NATIONAL ENDOWMENT FOR THE ARTS

##### GRANTS AND ADMINISTRATION

Amendment No. 212: Appropriates \$147,700,000 for grants and administration as proposed by the House instead of \$143,583,000 as proposed by the Senate and deletes Senate language regarding the use of funds to produce materials that depict or describe in a patently offensive way, sexual or excretory activities or organs.

The managers reaffirm the language of the National Foundation on the Arts and the Humanities Act of 1965 ([20 U.S.C. 954\(d\)](#)), for which terms are defined in section 3 of that Act ([20 U.S.C. 952](#)) which states as follows:

(1) "artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

(2) "that obscenity is without artistic merit, is not protected speech, and shall not be funded;"

and that:

"projects, productions, workshops and programs that are determined to be obscene are prohibited from receiving financial assistance under this Act from the National Endowment for the Arts."

"The term 'obscene,' means with respect to a project, production, workshop, or program that-

"(1) the average person, applying contemporary community standards, would find that such project, production, workshop, or program, when taken as a whole, appeals to the prurient interest;

"(2) such project, production, workshop, or program depicts or describes sexual conduct in a patently offensive way; and

"(3) such project, production, workshop, or program, when taken as a whole, lacks serious literary, artistic, political, or scientific value."

The term "determined to be obscene", means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

The term "final judgment" means a judgment that is either-

"(1) not reviewed by any other court that has authority to review such judgment; or

"(2) is not reviewable by any other court."

This language is included by reference in bill language.

#### NATIONAL ENDOWMENT FOR THE HUMANITIES

#### GRANTS AND ADMINISTRATION

Amendment No. 213: Appropriates \$152,650,000 for National Endowment for the Humanities, Grants and Administration instead of \$153,150,000 as proposed by the House and \$144,550,000 as proposed by the Senate.

**\*93** The changes to the House position include increases of \$90,000 for museums and historical organizations, \$900,000 for fellowships and seminars, \$410,000 for humanities projects in libraries, \$600,000 for administration and a decrease of \$2,500,000 in the National Heritage Preservation program.

The reduction of \$600,000 to the budget request for the education programs is not allocated to any specific activity. The managers expect that this reduction will be distributed across all of the activities in this category.

Within the amount provided is \$1,000,000 to initiate a dissertation fellowship program in the humanities.

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:  
\$1,000,000 for the dissertation fellowship program and \$5,700,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment earmarks \$5,700,000 for the Office of Preservation to remain available until September 30, 1993 instead of \$8,200,000 as proposed by the House

and \$1,600,000 as proposed by the Senate. The amendment also makes the \$1,000,000 provided for the dissertation fellowship program remain available until September 30, 1993.

#### MATCHING GRANTS

Amendment No. 215: Appropriates \$25,550,000 for matching grants instead of \$25,050,000 as proposed by the House and \$30,450,000 as proposed by the Senate.

Amendment No. 216: Earmarks \$12,550,000 for challenge grants instead of \$12,050,000 as proposed by the House and \$16,050,000 as proposed by the Senate.

#### NATIONAL CAPITAL PLANNING COMMISSION

##### SALARIES AND EXPENSES

Amendment No. 217: Appropriates \$4,775,000 for the National Capital Planning Commission instead of \$4,500,000 as proposed by the House and \$5,000,000 as proposed by the Senate. The \$275,000 increase above the amount proposed by the House is to enable the Commission to develop its monumental core plan and vision 2050 study on a more timely schedule than that envisioned in the budget request. The managers expect this increase to remain in the Commission's base budget for fiscal year 1993 and subsequent years. Further, the Commission should identify in its fiscal year 1993 budget submission the schedules for these initiatives and any additional funds needed to ensure those schedules are met.

#### \*94 FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

##### SALARIES AND EXPENSES

The managers expect the Commission to begin a fundraising effort to help offset the Federal cost of the FDR Memorial. The Commission is to report to the House and Senate Committees on Appropriations, no later than April 15, 1992, on a plan to carry out such an effort.

#### PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

##### SALARIES AND EXPENSES

The managers expect the PADC to accommodate 28 FTEs within the amount provided for salaries and expenses.

#### PUBLIC DEVELOPMENT

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$5,126,000 for public development instead of \$4,491,000 as proposed by the House and \$5,026,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase to the amount proposed by the House consists of \$635,000 for administration of the International and Cultural Trade Center project.

## UNITED STATES HOLOCAUST MEMORIAL COUNCIL

## HOLOCAUST MEMORIAL COUNCIL

Amendment No. 219: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$11,005,000 for the Holocaust Memorial Council instead of \$10,605,000 as proposed by the House and \$7,300,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the House level provides \$400,000 for operation and maintenance of Annex III. Within the funds provided the managers agree that the Council should accommodate an increase of 5 FTEs above its budget request for the development and implementation of educational programs and for administrative support. The managers expect that the funds provided for fiscal year 1992 will remain in the base budget for fiscal year 1993 and beyond. Further, the Council should include in its fiscal year 1993 budget request a detailed description of the funds required for operation and maintenance of the museum itself and of programs within the museum.

**\*95 TITLE III-GENERAL PROVISIONS**

Amendment No. 220: Deletes House language which required the Secretary, in consultation with the U.S. Trade Representative, to determine whether a foreign country had violated a reciprocal trade agreement and prohibited the expenditure of Department of the Interior funds for the acquisition of products from such countries. The managers, however, agree that the Secretary, to the extent possible, should seek to purchase American made goods and services.

Amendment No. 221: Deletes House proposed language which provided for increased grazing fees on public lands, and provided certain grazing reforms.

The managers direct the Secretaries of Agriculture and the Interior to contract for an updating and review of the information contained in their joint 1986 report to Congress, "Grazing Fee Review and Evaluation." Such information shall include- but is not limited to-: information in Chapter 1 pertaining to (1) the significance of public lands grazing relative to the Western livestock industry and the red meat industry nationwide and (2) revenues and costs of rangeland management and permittee expenditures on improvements and maintenance; information in Chapter 2 pertaining to the appraised market value of public rangelands grazing as determined in the 1983-1984 "Appraisal Report Estimating Fair Market Rental Value of Grazing on Public Lands" prepared for the Forest Service and the Bureau of Land Management (special emphasis should be given to updating Westwide and pricing area market values and determining the utility of the information for use in developing appraised market values for local and USDA livestock marketing areas); indices, charts, and information in Chapter 3; Chapter 4 information on alternatives to the PRIA formula; Figures 5.1 through 5.10 in Chapter 5; and Figure 6.6 in Chapter 6. Appendix Figure B.9 of the 1986 Report (page 85) should be updated through indexing to derive a new base value. Appendix Figures B.5, B.6, B.7, and B.10 through B.15 shall also be updated. The Secretaries of Agriculture and the Interior shall involve the appropriate agencies, including the Forest Service, the Bureau of Land Management, the Economic Research Service, and the National Agricultural Statistics Service, and may contract through the National Academy of Sciences or use other means for the update and review of the above mentioned information. A report on the



updating shall be provided to the Appropriations Committees of the House and Senate, the House Interior and Insular Affairs Committee and the Senate Committee on Energy and Natural Resources no later than April 30, 1992.

Amendment No. 222: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 318. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", \*96 Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act, for payments not required by law is hereby reduced by 1.411 per centum: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides for a 1.411 per cent reduction to all accounts in the Act with the exception of payments required by law, payments to certain Indian groups, and certain small independent agencies. The reduction is made to reduce amounts in the Act to a total that is within the budget allocation.

Amendment No. 223: Deletes language proposed by the Senate which directed the Forest Service to continue the preparation of environmental documents to implement land management plans in Region 6. Statutory language is not required for these activities to continue.

The managers urge the Recovery Team for the Northern Spotted Owl to prepare the recovery plan in a manner that recognizes the need to minimize the employment loss due to owl-related timber harvesting restrictions while providing for the recovery of the owl, and in all respects, adhering to requirements of the Endangered Species Act.

The managers strongly urge the U.S. Fish and Wildlife Service to promulgate, as promptly as possible, regulations to interpret the requirements of section 9 of the Endangered Species Act for the Northern Spotted Owl on nonfederal lands.

Amendment No. 224: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

#### SEC. 319. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE

(a) Transfer by the Air Force.-Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire: Provided, That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

(b) Establishment of National Wildlife Refuge.-Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred

under subsection (a) as an area \*97 in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

(c) Conveyance to State of New Hampshire.-

(1) Conveyance.-Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) Condition of conveyance.-The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a state cemetery for veterans.

(3) Reversion.-If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) Description of property.-The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) Additional terms and conditions.-The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

(d) The purposes for which this national wildlife refuge is established are-

(1) to encourage the natural diversity of plant, fish and wildlife species within the refuges, and to provide for their conservation and management;

(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 ([16 U.S.C. 1531](#) et seq.);

(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to transfer certain portions of Pease AFB, NH to the U.S. Fish and Wildlife Service. Purposes of the refuge have been added to the Senate amendment as well as a provision which requires the Secretary of the Air Force to retain responsibility for any hazardous substances which may be found on the property.

Amendment No. 225: Deletes a general provision proposed by the Senate allowing the Secretary of Energy to negotiate modifications to an existing oil shale contract currently administered by the Secretary of the Treasury.

\*98 Amendment No. 226: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 320. Amend section 12(d)(2) of [Public Law 94-204](#) (The Act of January 2, 1976) as follows:

(a) In the second sentence of the first proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed".

(b) At the end of this section, add a new proviso: ": Provided further, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment releases 4,325 acres in the Campbell Tract in Anchorage, AK from the restrictions of a bicentennial park master development plan, and retains approximately 62 acres subject to the restrictions of the plan as proposed by the Senate. The Senate amendment also allowed the Bureau of Land Management (BLM) to dispose of unneeded land from another 1,000 acre parcel. The House had no like provisions.

The managers agree that:

1. the Native Heritage Park proposed for the 62 acres in the amendment may not be placed on the 4,325 acres of the tract released from the restrictions of the plan; and

2. the 4,325 acres released from the plan are still to be managed under provisions of law regarding non-Federal land management for recreation and public purposes and BLM is not to approve changes in use which alter significantly the nature of the current land uses of the area.

#### APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1992, is defined by the managers as follows:

As provided for by section 256(1)(2) of [Public Law 99-177](#), as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forest, fish hatcheries, wildlife refuges, research \*99 units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1992.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

#### CONFERENCE TOTAL-WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Sidney R. Yates,  
John P. Murtha,  
Norman D. Dicks,  
Les AuCoin,  
Tom Bevill,  
Chester G. Atkins,  
Jamie L. Whitten(except amendment No. 212),  
Ralph Regula(except amendments Nos. 167, 212, and 221),  
Joseph M. McDade(except amendment No. 167),  
Bill Lowery(except amendment No. 212),  
Joe Skeen,

Managers on the Part of the House.

Robert C. Byrd,  
J. Bennett Johnston,  
Patrick J. Leahy,  
Dennis DeConcini,  
Quentin N. Burdick,  
Dale Bumpers,  
Ernest F. Hollings,  
Harry Reid,  
Don Nickles(except amendment No. 212),  
Ted Stevens,  
Jake Garn,  
**\*100** Thad Cochran,  
Warren B. Rudman,  
Pete V. Domenici(except amendment No. 95),  
Slade Gorton,  
Mark O. Hatfield,

Managers on the Part of the Senate.

H.R. CONF. REP. 102-256, H.R. Conf. Rep. No. 256, 102ND Cong., 1ST Sess. 1991,  
1991 WL 214853 (Leg.Hist.)

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